

A6CR02657

86CR02657

Folio.

STATE OF MARYLAND
VS

ATTY.

Michael McCampbell
5-20-86

CHARGE	5/12/86	ASSAULT WITH INTENT TO MURDER	CI
ARRAIGNED		JUDGE	
TRIAL	J>l til ft	JUDGE WRB	
PLEA	9.1 st ct	VERDICT 11/2 nd ct	
SENTENCE	20. yrs to D. O. C. wane etc. - Prison 3/23/86		
REPORTER	STATES ATTY.		
DATE	CLERK'S MEMORANDUM		NO.
8/19/86	WRB - nolle proe balance of ct		
6/20/89	Notice of Pet for Post Conv Relief rec'd from clerk: <u>CL. D. Jr</u>		

State of Maryland, Baltimore County, to wit:

The State of Maryland Vs KENNETH BOYD OWENS

charged with the crime of ASSAULT WITH INTENT TO MURDER

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

CRIMINAL INFORMATION

The above entitled case having been referred to Sandra A.O'Connor, the State's Attorney for Baltimore County, and the said State's Attorney for Baltimore County having fully investigated the said case after it had been referred to her as aforesaid, now comes into the said Court **and** for and on behalf of the State of Maryland gives the Court here to understand and be informed that KENNETH BOYD OWENS

late of Baltimore County aforesaid, on the 23rd day of March in the year of our Lord nineteen hundred and eighty-six at Baltimore County aforesaid, feloniously did make an assault upon one Diana Lynn Owens

with intent then and there feloniously, willfully and of malice aforethought to murder the said Diana Lynn Owens contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

(Assault With Intent to Murder - Art. 27, Sec. 12)

SECOND COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said KENNETH BOYD OWENS

on the said day, in the said year, at the County aforesaid, unlawfully did make an assault upon Diana Lynn Owens against the peace, government and dignity of the State.

(Assault - Common Law)

THIRD COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said KENNETH BOYD OWENS on the said day, in the said year, in the County aforesaid, unlawfully and maliciously did stab Diana Lynn Owens with intent to disable in violation of Art. 27, Sec. 386 of the Annotated Code of Maryland; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.
(Art. 27, Sec. 386)

FOURTH COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said KENNETH BOYD OWENS On the said day, in the said year, in the County aforesaid, unlawfully did batter Diana Lynn Owens, against the peace, government and dignity of the State.
(Battery - common law)

FIFTH COUNT

And the State's attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said KENNETH BOYD OWENS On the said day, in the said year, in the County aforesaid, unlawfully did make an assault upon Joseph Breon, against the peace, government and dignity of the State.
(Assault - common law)

SIXTH COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said KENNETH BOYD OWENS On the said day, in the said year, in the County aforesaid, unlawfully did wear and carry openly, with the intent and purpose of unlawfully injuring one Diana Lynn Owens a certain dangerous and deadly weapon, to wit: a knife; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.
(Carrying Weapon Openly with intent to injure - Art. 27, Sec. 36)

STATE OF MARYLAND

VS

B6CR^m 2\$\$\$7

KENNETH BOYDDOWENS (BALTIMORE COUNTY DETENTION CENTER)

BCI 136936

dob 2/12/62

33 Cypress Drive, Apt. B-2, 21220

CHARGE: Assault with intent to murder, etc.

CRIMINAL INFORMATION

WITNESSES:

Diana Lynn Owens

Joseph Breon

33 Cypress Drive, Apt. 2-B, 21220

Michael Shrieber

9326 Seven Courts Drive, 21236

David Cummings

1102 Beech Drive, 21220

Stephen Cooper

308 N. Robinson Street, 21224

Off. R. Handshoe #2292

PC #11

off. R. Taylor #1765

Marine Unit

Off. H. Greenlow #2818

Off. D. Roby #2555

PC #11

FILED

MAY 12 1986

E748-411 021557C4

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TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. You have the right to have a lawyer.
4. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) helping you at trial;
 - (D) helping you protect your constitutional rights; and
 - (E) helping you to get a fair penalty if convicted.
5. Even if you plan to plead guilty, a lawyer can be helpful.
6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
7. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
8. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may **have to** go to trial without one.


The State's Attorney for Baltimore County

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STATE OF MARYLAND

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IN THE CIRCUIT COURT

V.

*

FOR BALTIMORE COUNTY

KENNETH BOYD OWENS

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* * * * *

STATE'S AUTOMATIC DISCOVERY
AND REQUEST FOR DISCOVERY

Now comes Sandra A. O'Connor, State's Attorney for Baltimore County, and Arthur Kravetz, Assistant State's Attorney, and in compliance with Rule 4-263(a) of the Maryland Rules of Procedure, say the following:

1. Any information known to the State at this time which tends to negate the guilt of the Defendant as to the offense charged or which tends to reduce his punishment therefore is attached hereto. If no such attachment is included, no such information is known to the State at this time.

2. Any relevant material or information regarding whether the State used a search and seizure, wire tape or eavesdrop in gathering evidence in this case is attached hereto.

3. ☐ The Defendant made no statements or confessions, oral or written, which are known to the State at the present time.

☒ The Defendant made a written statement or confession, the copy of which is attached hereto. Defendant's copy only

☐ The Defendant made an oral statement or confession, the substance of which is as follows:

4. ☒ The Defendant has not, at this time, been identified by a pre-trial identification procedure.

☐ The Defendant was identified (at lineup/by photograph/other _____) by the following witnesses:

(Name)

(Date)

5. Upon notice to the State, the Defendant may inspect the contents of the State's file in this case, excluding those items otherwise privileged by law.

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The State requests that the following discovery be provided by the Defendant in accordance with Rule 4-263(d):

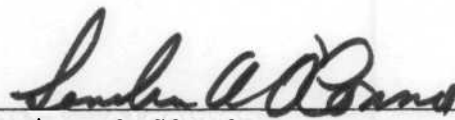
1. That the State be allowed to inspect and copy all written reports made in connection with this case by each expert which the Defendant intends to call as a witness at trial and that the Defendant furnish the State with the substance of any oral report and conclusion made in connection with this case by an expert the Defendant intends to use at trial.

2. That the Defendant furnish the State with the name and address of any alibi witness the Defendant intends to call as a witness. The crime occurred on the 23rd day of March, 1986 at 1440 hours at Baltimore County Maryland.

3. Upon request of the State, the defendant shall:

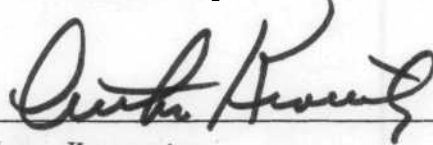
- (a) Appear in a line-up for identification;
- (b) Speak for identification;
- (c) Be fingerprinted;
- (d) Pose for photographs not involving reenactment of a scene;
- (e) Try on articles of clothing;
- (f) Permit the taking of specimens of material under his fingernails;
- (g) Permit the taking from his body of samples of blood, hair and other material involving no unreasonable intrusion UD on his person;
- (h) Provide specimens of his handwriting;
- (i) Submit to reasonable physical or mental examination;

as provided for in Rule 4-263(d).



SANDRA A. O'CONNOR

State's Attorney for Baltimore County



Arthur Kravetz
Assistant State's Attorney

I HEREBY CERTIFY that a copy of this foregoing State's Automatic Discovery and Request for Discovery was attached to the above indictment when delivered to the Defendant.



Arthur Kravetz
Assistant State's Attorney

WRIT OF HABEAS COKPOS

CIRCUIT COURT FOR BALTIMORE CO' TY

State of Maryland vs. KENNETH BOYD OWENS
1. D. NO.

Case No. 86CR2657

State of Maryland, Baltimore County to wit: D.O.B. FEBRUARY 12, 1962

TO: WARDEN, BALTIMORE COUNTY NET. CENTER
KENILWORTH + BOSLEY AVE.
BALTIMORE, MIX 21204

-<n&v

You are hereby COMMANDED TO HAVE before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON MAY 20, 1986 AT
09=15 A.M. THE BODY OF KENNETH BOYD OWENS FOR ARRAIGNMENT, UNLESS
YOUR COUNSEL ENTERS AN APPEARANCE IN WRITING ON OR BEFORE THE TIME SPECIFIE
IN THIS WRIT.

vjs

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued- MAY 14, 1986

Elmer H. Kahline Jr.

ELMER H. KAHLINE JR.

Clerk, Circuit Court for Baltimore County



Per

Deputy

RETURN OF SERVICE

DATE DEFENDANT SERVED WITH WRIT & CHARGING DOCUMENT: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SIGNATGRETSTTITLE

WRIT OF HABEAS CORPUS

RCUIT COURT FOR BALTIMORE Cot Y

State of Maryland vs.

KENNETH BOYD OWENS

Case No.

86CR2A57

I. D. NO.

State of Maryland, Baltimore County to wit:

D. O. B. FEBRUARY 12, 1962

TO: WARDEN; BALTIMORE COUNTY DET. CENTER
KENILWORTH + BOSLEY AVE.
BALTIMORE, MD 21204

You are hereby COMMANDED TO HAVE before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON MAY 20.. 1986 AT
09:15 A.M. THE BODY OF KENNETH BOYD OWENS FOR ARRAIGNMENT, UNLESS
YOUR COUNSEL ENTERS AN APPEARANCE IN WRITING ON OR BEFORE THE TIME SPECIFIED
IN THIS WRIT.

Witness the Honorable Chief Judge of the Third Judicial Cir/uit of Maryland.

Issued: MAY 14, 1986

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SUMMONED

NOT SERVED

REASON NOT SERVED

RETURN OF SERVICE

Per

ELMER H. KAHLINE (MR.)

V^Clerk, Circuit Court for Baltimore County

Deputy

DATE DEFENDANT SERVED WITH WRITING & CHARGE

GING DOCUMENT:

DATE SERVICE NOT MADE:

OF BALTIMORE COUNTY
J. EDWARD MALONE

REASON:

Kenneth Owens

SIGNATURE & TITLE
SHERIFF OF BALTO. CO., MD.

CRIMINAL INFORMATION FILED MAY 12, 1986

DUTTON, Howard Dean
E763-506, E763-558 - Forgery, etc.

O'BRIEN

RILEY, Larry Dean 6 to 2661
E751-805 - Daytime Housebreaking, etc.

steigerwald

OWENS, Kenneth Boyd #86 CR-2657
E748-411 - Assault /w/ to Murder, etc.

KRAVETZ

JACOBS, Samuel Bernard
E735-709 - Theft, etc.

KRAVETZ

SEDOUYAH, Brian Keith #86CR-2656
E690-767 - Assault w/i to Murder, etc.
E690-759 //86CR-2655

STEIGERWALD

*Send Q Det. Ctr.
notifies L 5/13/86*

PILED MAY 13 1986

MAY 13 3 44 PM '86

DISTRICT COURT
OF MARYLAND

*code
mtd*

3-26-86 gms

COMPLAINANT			DEFENDANT		
NAME (LAST, FIRST, MI.)		TITLE	NAME (LAST, FIRST, MI.)		TITLE
HANDSHOE OFF. Richard S. #2292			OWENS Kenneth Boyd		
AGENCY	SUB-AGENCY	I.D. NO. (POLICE)	I.D. NO.	RACE	SEX HT. WT. D.O.B. (MM/DD/YY)
AE		2292			M W 160 2/12/62
WORK TELEPHONE		HOME TELEPHONE	WORK TELEPHONE		HOME TELEPHONE
ADDRESS		APT. NO.	ADDRESS		APT. NO.
Pc-11 216 N. MARLYN Ave.			33 CYPRESS DR. APT. 2-B		
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE
BALTIMORE MD			BALTIMORE VAC		
DIST./LQC.		RELATED CASES	TRACKING NUMBER		
			OZI5b7C4		

INITIAL APPEARANCE

n Juvenile Waiver
 I Released on own Recog—No probable cause
 V Copy of charges provided • Copy not provided
 J Defendant advised of right to counsel • Undecided
 D Waived J Employ own counsel f? Public Defender
 JuUge/Comrrr *Judith Fitch* 08-038 *Patim* X Committed
 JCKdvised of right to preliminary hearing
 Preliminary Hearing Ci was • was not requested.
 • Released on own Recog. Supervised by/Custody of _____
 Bail \$ f) SC> tmQ (Full; X^*^ %; without collateral security)
 Hearing Date 4-17-86 @ 1:15 PM
 Date 3-23-86
 I.D.#

BAIL

Posted _____ Date _____ D Cash LJ Corporate • Property _____ Judge/Comm./Clerk _____ Date _____

BAIL REVIEW

Bail to Remain the Same ^y^ % ^tf T Reduced to _____ "A,
 Increased to \$ _____ % ROR ^-Unsecured _____
 Advised def. of Right to Counsel _____ Received copy of charges _____
 Judge *B. A. Moore* 9B8 Date 3/24/86

PRELIMINARY INQUIRY

Advised def. of Right to Counsel _____ LJ Received copy of charges _____
 Referred to Public Defender _____ Waived Counsel _____
 Will Retain Own Counsel _____
 Judge _____ Date _____

- No charging document having been filed in Circuit Court, the charges are dismissed.
 - After hearing (in presence of Defendant and a finding of good cause, the time is extended to _____ for State's Attorney's action.
- Date _____ Judge _____

PRETRIAL STATUS

FTA	Date	Bond/Recog. Forfeited	Recog. Revoked	Bench War. Issued	Bail \$ Amt.	Def. Sur. by Surety	Forf. Stricken/ War. Recalled	Previous Bail Reinstated

Date _____ Judge _____

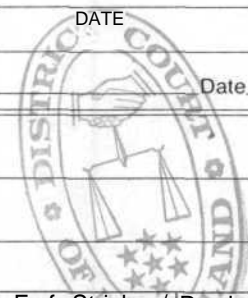
COURT APPEARANCE

H The Court made certain that defendant received a copy of the charging document, informed defendant of right to counsel and importance of assistance of counsel. Advised defendant of nature of charges and allowable penalties including mandatory or minimum, conducted waiver inquiry if defendant wants to waive counsel, and if continued advised defendant that at next appearance, appearing without counsel could be a waiver.

Date _____ Judge _____

Defendant appeared without counsel. Meritorious reason. Case continued.

5-17-86



Defense Counsel Defendant. Owens, Kenneth B.
State's Attorney Case No. 02155704

TRIAL

No. of Charges...1....

D Express Waiver of Counsel. Court determined after examination that defendant knowingly and voluntarily waived right to counsel.
• Defendant appeared without counsel. No meritorious reason. Court determined that defendant waived counsel.
• Defendant appeared with counsel. D Private D Public Defender D J T P D Jury Trial Waived

Charged Assau 1st twu&AfAR: 86-3416 • Non-CJIS Art/Sec: 27-12 Code: 1-1398
Amended: Art/Sec: Code:
Max Sentence: Plea: D NP D Stet Verdict: • PSI Ordered: Sub Curia Until:
FINE: \$ COST: \$ CICC: \$ SUS: \$ RESTITUTION: \$ to
Sentence: • DOC • Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: D Supervised D Unsupervised
Conditions:

Date

Judge

Charge #2 AR: • Non-CJIS Art/Sec: Code:
Amended: Art/Sec: Code:
Max Sentence: Plea: • NP • Stet Verdict: • PSI Ordered: Sub Curia Until:
FINE: \$ COST: \$ CICC: \$ SUS: \$ RESTITUTION: \$ to
Sentence: • DOC • Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: • Supervised • Unsupervised
Conditions:

Date

Judge

Charge #2> AR: • Non-CJIS Art/Sec: Code:
Amended: Art/Sec: Code:
Max Sentence: Plea: D NP • Stet Verdict: • PSI Ordered: Sub Curia Until:
FINE: \$ COST: \$ CICC: \$ SUS: \$ RESTITUTION: \$ to
Sentence: • DOC • Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: • Supervised • Unsupervised
Conditions:

"Certified to be a true copy of docket entry"

Date

Judge

• Defendant Advised of Right of Appeal. Upon Perfecting of Appeal, D Sentence to be stayed and D Recog. to Continue;
• Present Bond to Continue; • Appeal Bond in Amount of \$ to be Required; • Sentence not to be Stayed; D Other
..... (If Sentence is Satisfied Prior to Perfecting of Appeal, no Appeal Bond Required.)

Date

Judge

Bond forfeiture entered as judgment in the amount of \$ Date with interest from date of forfeiture and costs and liens filed in Circuit Court. Docket entries forwarded to Bail Bond Commissioner, if any, and to State's Attorney and Chief Clerk.

Date

Clerk

Indictment filed. Papers forwarded to Circuit Court. (Date)

Defendant Notified of Nolle Pros/Stet. (Date)

Judgment Recorded in District Court. (Date)

Notice of Lien filed in (Court)

..... (Date)

..... (Date)

REEL# DATE START END

0823159 3-24-86 7 j-Jen

~f1>J-

Notice of Lien filed in



DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS)

8914 Kelso t>>* 21220

PRIMARY CHARGE OWNERS, Kenneth Boyd Intent To Murder		RELATED CHARGES		TRACKING NUMBER - CHECK 02155704	
02155704				02155704	
COMPLAINANT NAME (LAST, FIRST, MI) Harris, Off. Richard S. #2292 SUB-AGENCY PC-11 ID NO. (POLICE) 2292 HOME TELEPHONE 494-2340 ADDRESS 216 N. MARYLAND AVE. BALTIMORE, MD 21221			DEFENDANT NAME (LAST, FIRST, MI) OWENS Kenneth Boyd ID NO. E748411 RACE W SEX M DOB 5/18/160 DOB (MM/DD/YY) 2/12/62 HAIR Blond EYES Blue HEIGHT 5'6" WEIGHT 136 BUILD 236 HOME TELEPHONE None ADDRESS 33 Cypress Dr. Apt. 2-B BALTIMORE, MD 21220		
08:05			02155704		

STATEMENT OF CHARGES

THE DEFENDANT HAS BEEN ADVISED UPON THE FOLLOWING INFORMATION OR OBSERVATION: (MAKE A PLAIN, CONCISE AND DEFINITIVE STATEMENT OF ESSENTIAL FACTS CONSTITUTING THE OFFENSE CHARGED)

At approx. 2:43 pm. the undersigned off. R. Handshoe #2292 BCPD responded to a possible STABBING AT WHITE AND DOTS RESTAURANT, 1110 BEECH DR. 21220. The first unit at -fife. Ze^^e WAS OFF. R. TAYLOR #1765 who observed one DIANA LYNN OWENS *JS CUJ/F 33 CYPRESS DR. APT. 2-B) NEAR the FRONT DOOR

IT IS FORMALLY CHARGED THAT THE DEFENDANT

(CONTINUED ON ATTACHED SHEET CR701A OR DC/CR1A)

1 MDCCS AR ON OR ABOUT (DATE) 1/39% & 1\W& 3/zs3/&6 AT (PLACE) SO 1110 BEECH DR. 21220
did ASSAULT DIANA LYNN OWENS with the intent To then t A7^</-4e/tEL COMMIT MURDER.

IN VIOLATION OF:

WMD ANN. CODE, ART. 27 SEC. 12

Q\COMMON LAW OF MD;

PUB. LOCAL LAW, ART.

SEC.

COMAR OR AGENCY CODE NO /pofA 00^O/c>o

ORDINANCE NO.

AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE.

CONTINUED ON ATTACHED SHEET DC/CR 3A

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH IN THE FOREGOING DOCUMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

TE 1/3/86 ARRESTING OFFICER # OFF. Richard Handshoe 2292

I HAVE REVIEWED THE STATEMENT OF CHARGES AND HAVE DETERMINED THAT

THERE IS PROBABLE CAUSE TO DETAIN THE DEFENDANT

THERE IS NOT PROBABLE CAUSE TO DETAIN THE DEFENDANT AND I HAVE ACCORDINGLY RELEASED HIM ON HIS OWN RECOGNIZANCE.

DATE 3-23-86

JUDICIAL OFFICER

Judith Fitch

COMMISSIONER ID NO.

OB03?

NOTICE OF ADVICE OF RIGHT TO COUNSEL

1. This paper charges you with committing a crime.
2. If you have been arrested, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. You have the right to have a lawyer.
4. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) helping you at trial;
 - (D) helping you protect your constitutional rights;
- and
- (E) helping you to get a fair penalty if convicted.
5. Even if you plan to plead guilty, a lawyer can be helpful.
6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
7. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
8. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

RECEIPT

I have read or have had read to me the contents of the within document and acknowledge receipt of a copy thereof.

..... 3-23-86
 Date

..... Kenneth Owens
 Signature of Defendant

RECEIVED DISTRICT COURT OF MARYLAND CLERK'S OFFICE	FILED 3-23-86 12	08-038
--	------------------------	--------

Defendant's

Name..

11/11/86
 E 748411

f^Wpjej^

...<^YV..

f>T.<*\wy.^

Case No.

STATEMENT OF PROBABLE CAUSE/APPLICATION (continued)

OF THE RESTAURANT, OFF. TAYLOR OBSERVED MRS. OWENS TO HAVE SEVERAL STAB WOUNDS TO her chest AND Abdomen AREA. OFF. TAYLOR ASKED MRS. OWENS, who WAS CONSCIOUS, who had STABBED her. MRS. OWENS Rep^<[e.c/.' To OFF. Taylor THAT her HUSBAND had STABBED her. OFF. TAYLOR LEARNED THAT MRS. OWENS HUSBAND NAME IS KENNETH BOYD OWENS. OFF. TAYLOR BROADCAST A DESCRIPTION OF MR. OWENS over Police Radio AND ADVISED THAT MR. OWENS WAS LAST SEEN RUNNING South ON Beech Dr. with a group OF White MALES CHASING AFTER him.

AT this Time OFFICERS R. HANDSHOE AND H. GREENLOW #2818 Responded To the AREA OF BUTTERNUT Rd AND Second Rd. 21220 where the SUSPECT MR. OWENS WAS LOCATED, Being CHASED By three white MALES. UPON ARRIVAL witness Stephen COOPER (308 N. ROBINSON ST. 21224) Told OFF. HANDSHOE THAT He had witnessed MR. OWENS ASSAULT his WIFE ON Beech Dr. AND had CHASED him To this point.

I solemnly affirm under the penalties of perjury that the matters and facts set forth in the foregoing application are true to the best of my knowledge, information and belief.

3/23/86

Date

OFF. Richard Handshoe #2J^Z-

Applicant's Signature

OFF. RICHARD HANDSHOE 2292

Printed Name

PC-11 RD

Officer's Agency, Sub-Agency, I.D. or Address

3

Defendant Name . ^ V ^ A . ^ / ^ A ^ Case No.

STATEMENT OF PROBABLE CAUSE/APPLICATION (continued)

AT this point OFF. Handshoe approached MR. OWENS AND placed him UN/ in ARRES 77

MR. COOPER then showed OFF. GREENLOW #2818 where the defendant MR. OWENS had thrown A BROWN wooden handled LOCK BLADE KNIFE INTO A STORM DRAIN IN FRONT OF #1612 BUTTERNUT Rd. The KNIFE WAS SUBSEQUENTLY RECOVERED FROM the STORM drain BY DET. ROEDER OF the CRIME LAB.

NOTE: MRS. OWENS WAS FLOWN TO UNIVERSITY HOSPITAL SHOCK TRAUMA UNIT FOR MEDICAL TREATMENT. 11:00 PM OF 3/23/86 THIS DATE MRS. OWENS WAS LISTED FOR SURGERY.

I solemnly affirm under the penalties of perjury that the matters and facts set forth in the foregoing application are true to the best of my knowledge, information and belief.

3/23/86

Date

OFF. Richard Handshoe #2292

Applicant's Signature

OFF. Richard Handshoe 2292

Printed Name

PC

Officer's Agency, Sub-Agency, I.D. or Address



DISTRICT COURT OF MARYLAND FOR

Located at

Court Address

STATE OF MARYLAND

VS

City/County

Case NoPc^/.

Defendant

Address

Telephone

COMMITMENT PENDING HEARING

TO:

YOU ARE HEREBY COMMANDED to receive from any officer the body of the above-named Defendant who is charged with the offense(s) of...

- In default of \$.....bail (.....% acceptable).
- Bail review was held by Judge.....and Defendant is committed in default of \$.....bail (.....% acceptable).
- Having been surrendered by bondsman, bond of \$.....to continue.

YOU ARE FURTHER COMMANDED to:

- Transfer the Defendant to the jail or detention center in.....county/city. If the Defendant has not been transferred prior to the next session of court, he is to be brought before the court in your county for bail review.
- Produce the Defendant:
 - for further review before a judicial officer of the District Court for.....county/city located at.....Maryland, within 30 60* days if before that time the Defendant has not posted the bail or been arrested on a warrant of the Governor of Maryland on a requisition of the executive authority JKJRiS^S^ie of

- for court appearance as follows:

Court

Location

Date

Time

Purpose

- Bail Review
- Preliminary Hearing/Inquiry
- Trial
- Other (describe)

Date

Clerk/Judge/Commissioner

I.D.

*Applies to second commitment only



DISTRICT COURT OF MARYLAND FOR

v&w.

Located at

Court Address

Case No... >/...<7>l.*>.. Is. A..

STATE OF MARYLAND

VS.

Defendant

Address

Telephone

COMMITMENT PENDING HEARING

TO:

YOU ARE HEREBY COMMANDED to receive from any officer the body of the above-named Defendant who is charged with the offense(s) of

- In default of \$ 250,000 bail (100% acceptable).
- Bail review was held by Judge [Signature] and Defendant is committed in default of \$ 250,000 bail (100% acceptable).
- Having been surrendered by bondsman, bond of \$ to continue.

YOU ARE FURTHER COMMANDED to:

- Transfer the Defendant to the jail or detention center in county/city. If the Defendant has not been transferred prior to the next session of court, he is to be brought before the court in your county for bail review.
- Produce the Defendant:
 - for further review before a judicial officer of the District Court for county/city located at Maryland, within 30 60* days if before that time the Defendant has not posted the bail or been arrested on a warrant of the Governor of Maryland on a requisition of the executive authority of the State of

• for court appearance as follows:

Court
Location
Date
Time
Purpose
• Bail Review
• Preliminary Hearing/Inquiry
• Trial
• Other (describe)

Date

Clerk/Judge/Commissioner

I.D.

*Applies to second commitment only



DISTRICT COURT MARYLAND FOR

Located at DTR \?@R Case No Q. & \S5.7.C.7.....

STATE OF MARYLAND

VS

. O VhA5 .. Tk? A ^) \ ... £>.....

Defendant J£ /- ^ /"

Address 33:....C>A.p.?ii...0,::BA.2' B

Assault with murder

E-748411

86-3416

21220

INITIAL APPEARANCE REPORT (Rule 4-213)

I hereby certify that when the above named Defendant was brought before me for his initial appearance, I:

- DETERMINED that Defendant had already been provided with a copy of the charging document.
- ✓ Vj^3 PROVIDED the Defendant with a copy of the charging document.
- ✓ JI ADVISED Defendant that copy of Charging Document is not available, but will be provided to Defendant within 24 hours.
- ✓ ADVISED Defendant of right to counsel. Defendant desires • to proceed without counsel fj to employ his own counsel
- ✓ counsel, but is indigent • to decide later. " ^ ^ ^ ' 3 " J ^ N \ V V > MC V ^ ^ ^ ^ ^ C
- ✓ ADVISED Defendant that he is charged with a felony that is not within the jurisdiction of the District Court and that he has a right to have a preliminary hearing by a request made now or within ten days and that failure to make a timely request will result in a waiver. LI Defendant requests preliminary hearing and • clerk will notify him of date Qfit is scheduled for.....
- ✓ r ~ \ J. r. a (o . g. ! < (£ Q n - f . . • Defendant waives preliminary hearing • Defendant defers election.
- ✓ REQUIRED Defendant to read the Notice to Defendant printed on the charging document.
- READ the Notice to Defendant printed on the charging document to the Defendant.
- FURNISHED to the Defendant a copy of the Notice to Defendant printed on the charging document since no charging document was available.

Pretrial Release Determination (Rule 4-216)

On the basis of information available to and developed by me I HAVE DETERMINED:

- That Defendant IJ is • is not eligible for release under Art. 27, Sec. 616 1/2 • (c) • (h) • Art. 27, Sec. 638 A of the Maryland Code.
- That he may be released on his personal recognizance because:
 - He is not charged with an offense for which the maximum penalty is death or life imprisonment.
 - It will reasonably assure his appearance.
 - There is a lack of probable cause to believe that the Defendant committed the offense.
- ✓ yQ. That release on personal recognizance will not reasonably ensure the appearance of the defendant as required because.....

nature of charge prior record awaiting trial for other charges

I imposed the following conditioVsAo insure his appearance^

- committed him to custody of who agree to supervise him and assist in ensuring his appearance in court.
- placed him under the supervision of
- subjected him to restrictions

Probation or Public Officer

travel, association, residence

/H- required a bail bond in the amount of \$..... and on the following condition:

- without collateral security.
- ✓ ^i with collateral security of \$.....
- to be satisfied by depositing the required amount in cash or certified check or the pledging of intangible property approved by the Court.
- ✓ ^Q to be satisfied by encumbering real estate.

« Tfc with the obligation of a corporation which is an insurer or other surety in the full penalty amount.

DTwformed the Defendant that a warrant for his arrest will be issued if he violates the conditions of release and informed him that if the recognizance or bail bond is forfeited and he willfully fails to surrender himself within 30 days following the forfeiture, he may be charged and fined not more than \$5,000 or imprisoned for not more than 5 years or both, if given in connection with a charge of felony; or charged and fined not more than \$1,000 or imprisoned not more than 1 year or both, if given in connection with a misdemeanor charge.

-^Informed the Defendant that he must notify the Court in writing of any change of address or telephone number.

Date

Time

Judicial Officer

Receipt

I have read and had read Jg me the offense with which I am charged, the conditions of release, the penalty /or violation of the conditions of release, the NptkCoFAdvice of Right to Courtspl, and I acknowledge receipt of a copy hereof. I have been informed that the trial date/preliminary indwcy/preliminary hearing dat&Jts. at o'clock

or that in'll be advised of the date by the clerk. I agree to the conditions of release and agree to appear at trial.

Date

Custodian

Signature of Defendant

DC/CR 7 (Rev. 2/85)

(This form replaces CR 706.)

INITIAL APPEARANCE REPORT (Rule 4-216)

4-216:

In determining which conditions of release will reasonably ensure the appearance of the Defendant as required, the judicial officer, on the basis of information available or developed in a pretrial release inquiry may take into account

- (1) The nature and circumstances of the offense charged, the nature of the evidence against the Defendant, and the potential sentence upon conviction, insofar as these factors are relevant to the risk of non appearance.
- (2) The Defendant's prior record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.
- (3) The Defendant's family ties, employment status and history, financial resources, reputation, character and mental condition, length of residence in the community and length of residence in this State.
- (4) The recommendation of an agency which conducts pretrial release investigations.
- (5) The recommendation of the State's Attorney.
- (6) Information presented by Defendant's counsel.
- (7) The danger of the Defendant to himself or herself and others.
- (8) Any other factor including prior convictions, bearing on the risk of a willful failure to appear.

I have read and understand the conditions of release which I am charged to enforce. The conditions of release are set forth in the attached report of the judicial officer. I have been informed that the trial date is set for the date of the report of the judicial officer. I agree to the conditions of release and agree to appear at trial.

Signature of Defendant: *[Signature]* Date: *11-1-88*

Signature of Judicial Officer: *[Signature]* Date: *11-1-88*

Signature of State's Attorney: *[Signature]* Date: *11-1-88*

CIRCUIT COURT FOR BALTIMORE COUNTY

Towson, Maryland 21204

District Court Case No. _____

Case No. _____

<7/ CR 2657
<2 fcpj
May 20 1986REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: ELMER H. KAHLIN, JR., CLERK

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner k\&?3jn€ldn - Qjl.^Cd ^{Owens}Date Of Trial Aug 11 ¹¹ 1986 Judge James J. HoffCharge CL(.Jj0J^I±^tx.Cflt Guilty _____ NOT GUILTY _____

DISPOSITION:

A. Sentenced To Department Of Correction _____
Length Of Sentence _____B. Sentenced To Baltimore County Detention Center _____
Length Of Sentence _____C. Remanded To Baltimore County Detention Center _____
Pretrial Report of Psychiatric Evaluation _____D. Placed On Probation _____
Length Of Probation _____

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G. Nol Pros _____

H. Arraignment ☒ _____

I. Trial Continued _____

J. Trial Postponed _____

K. Bail Hearing _____

L. Defendant Released From This Case Only.
Release In Transit.

ELMER H. KAHLIN, JR., Clerk

Per A. C. Hoff ^{Hopf}
Deputy Clerk

|c|

STATE OF MARYLAND

VS

Owens, Kenneth &

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. 86CR 2657

NOTICE OF APPEARANCE

MR. CLERK:

Please enter the appearance of Michael L. McCampbell, Sr./ Assistant
Public Defender, as counsel in the above-captioned case.

MM L) Jt

Michael L. McCampbell,
Sr. Assistant Public Defender
500 Virginia Avenue
Towson, Maryland 21204
321-3778

FILED MAY 20 1986

STATE OF MARYLAND

VS

Owens, Kenneth *£>*

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. *86CR2657*

MOTIONS PURSUANT TO MARYLAND ROLE 4-252

Defendant, by his attorney, Michael L. McCampbell, Sr. Assistant Public Defender, pursuant to Maryland Rule 4-252, respectfully represents unto this Honorable Court:

1. That any in-court identification of the Defendant will be tainted as a result of impermissibly suggestive identification procedures undertaken by police authorities and/or will be the result of an illegal arrest or search.

Points and Authorities:

Chapman v. California, 386 U.S. 18 (1967)

Coleman v. State, 8 Md. App. 65 (1969)

Rustin v. State, 46 Md. App. 28 (1980)

2. That evidence seized in this case was obtained as the result of an illegal search and seizure.

Points and Authorities:

Mapp v. Ohio, 367 U.S. 643 (1961)

Carter v. State, 274 Md. 411 (1975)

Waugh v. State, 275 Md. 22 (1975)

3. That any statement and/or confessions taken from the defendant were involuntary and/or elicited during custodial interrogation without the observance of mandatory procedural safeguards required by law.

Points and Authorities:

Hillard v. State, 286 Md. 145 (1979)

Miranda v. Arizona, 384 U.S. 436 (1966) --

Whitfield v. State, 287 Md. 124 (1980)

4. That the defendant will be prejudiced by the joinder of his trial with that of any co-defendants and that he will be prejudiced by the joinder of charges arising from separate incidents.

Points and Authorities:

Erman v. State, 49 Md. App. 605 (1981)

Day v. State, 196 Md. 384 (1950)

McKnight v. State, 280 Md. 604 (1977)

5. That the indictment/information is defective.

Points and Authorities:

Ayre v. State, 291 Md. 155 (1981)

Brown v. State, 285 Md. 105 (1979)

6. That this prosecution is barred because of statute of limitations, immunity, and/or former jeopardy.

Points and Authorities:

Benton v. Maryland, 295 U.S. 784 (1979)

McMorris v. State, 277 Md. 62 (1976)

Bowie v. State, 14 Md. App. 567 (1972)

Thomas v. State, 277 Md. 257 (1976)

WHEREFORE, the defendant prays the following relief:

- a) Dismissal of the indictment and/or information;
- b) Supression of any in-court identification and/or illegally seized evidence and/or any statements or confessions;
- c) Severance of indictments/informations and/or severance of his trial from that of co-defendants;
- d) And any further relief available by law.



Michael L. McCampbell
Sr. Assistant Public Defender
500 Virginia Avenue
Towson, Maryland 21204
321-3778

STATE OF MARYLAND

VS

Owens, Kenneth 3.

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. 86CR2657

DEFENDANT'S REQUEST FOR DISCOVERY AND

MOTION TO PRODUCE DOCUMENTS

The following requests are made, in accordance with Maryland Rule 4-263 on behalf of the defendant in the above-entitled action, by his undersigned attorney, and;

- (a) The requests extend to material and information in the possession or control of the State's Attorney, members of his staff and any others who have participated in the investigation or evaluation of the case and who either regularly reports, or with reference to the particular case, have reported to the State's Attorney or his office.
- (b) The purpose of this request is to obtain disclosure of material and information to the fullest extent authorized and directed by Maryland Rule 4-263 and this general purpose shall supersede any language or expression which might otherwise appear to be a limitation upon the object or scope of any request.
- (c) Captions or headings used to separate paragraphs are no part of the requests but are for convenience only.
- (d) Material and information discovered by the State's Attorney after his initial compliance with these requests, shall be furnished promptly after such discovery in accordance with Maryland Rule 4-263 (h).
- (e) These requests in no way should be considered a waiver of the information required to be furnished without request by the State's Attorney pursuant to Rule 4-263 (a) to the defendant.

The State's Attorney is requested to:

1. Furnish to the defendant (a) any material or information which tends to negate the guilt of the defendant as to the offense (s) charged, (b) any material or information within his possession or control which would tend to reduce the defendant's punishment for such specific searches and seizures (including but not limited to AFR inventory pursuant to Md. Rule 4-601, (d) any relevant material or information regarding wire taps and eavesdropping, (e) any relevant material or information regarding the acquisition of statements made by the defendants, (f) any relevant material or information regarding pre-trial identification of the defendant by witness for the state.

Witnesses

2. Disclose the name and address of each person whom the State intends to call as a witness at a hearing or trial to prove its case in chief.
3. Disclose the name and address of each person whom the State intends to call as a witness at a hearing or trial to rebut alibi testimony.
4. To furnish the defendant with the names, addresses and physical descriptions of any persons other than the defendant who were arrested or otherwise taken into custody by police or prosecution officials as a possible suspect in this case in which the defendant is charged.

Statements of the Defendant

5. Furnish a copy of each written or recorded statement made by the defendant to a State agent which the State intends to use at a hearing or trial.
6. Furnish the substance of each oral statement made by the defendant to a State agent which the State intends to use at a hearing or trial.
7. Furnish a copy of all reports of each oral statement made by the defendant to a State agent which the State intends to use at a hearing or trial.

Statements of Co-defendants, and/or Accomplices,
and/or Accessories After the Fact

8. Furnish a copy of each written or recorded statement made by a co-defendant, and/or accomplice, and/or accessory after the fact to a State agent which the State intends to use at a hearing or trial.
9. Furnish the substance of each oral statement made by a co-defendant, and/or accomplice, and/or accessory after the fact to State agent which the State intends to use at a hearing or trial.
10. Furnish a copy of all reports of each oral statement made by a co-defendant, and/or accomplice, and/or accessory after the fact to a State agent which the State intends to use at a hearing or trial.

Reports of Experts

11. Produce and permit the defendant to inspect and copy all written reports or statements made in connection with the defendant's case by each expert consulted by the State, including the results of any physical or mental examination, scientific test, experiment or comparison.

12. Furnish the substance of any oral report and conclusion made in connection with the defendants case by each expert consulted by the State, including the results of any physical or mental examination, scientific test, experiment or comparison.

Evidence for Trial Use

13. Produce and permit the defendant to inspect and copy any books, papers, documents, recordings or photographs which the State intends to use at a hearing or trial.
14. To permit the defendant to inspect and photographs which police or osecuting authorities may have exhibited or any witness for purposes of identitificaiton of the defendant, and any other photographs which the State intends to use in the trial of the defendant, and the presentation of its case in chief, and to furnish the defendant with copies of said photographs, the names and addresses viewing of said photographs.
15. Produce and permit the defendant to inspect and photograph any tangible objects which the State intends to use at a hearing or trial.
16. To advise the defendant as to whether the defendant was confronted by identification witnesses in any manner other than a line-up while the defendant was in custody of police or prosecution authorities, and if so, to furnish the defendant the time, place, and circumstances of such confrontation including the names and addresses of all persons participation in said confrontation.

Defendant's Property

17. Produce and permit the defendant to inspect, copy and photograph any such items obtained from or belonging to the defendant, whether or not the State intends to use the item at a hearing or trial.

Confidential Informant

18. To provide the defense with the name and address of any informant, confidential or otherwise, who was a participant in the alleged illegal act which is the basis for this indictment/information, or who was a participant in any illegal act which formed any part of the basis for any warrant or process issued and executed in this case, or who was a participant in any illegal act which was relied upon by any law enforcement official as probable cause to make an arrest and/or search in this case.

Law Enforcement Officers

19. To provide the defense with the name and assignment of any law enforce-ment officer, City, County, State or Federal, who participated in any sale, purchase, or negotiation for the sale or purchase of any contraband, said sale, purchase, or negotiation having formed any part of the basis for the charge for an arrest or search involving the defendant.

Chain of Custody

20. To permit the defendant to inspect any law enforcement report concerning the chain of custody of the person of the defendant, or his property, beginning with the time of defendant's arrest and continuing throughout the time that the defendant was in the custody of any police or prosecuting authorities.
21. In event that law enforcement authorities have not prepared the type of report relating to custody of the defendant, or his property, referred to in paragraph twenty, to furnish the defendant with the names and addresses of all persons who had custody or control of the defendant or who participated in the custody or control of the defendant beginning with the arrest of the defendant and continuing throughout the time that the defendant was in custody of any police or prosecuting authorities.

Official Reports

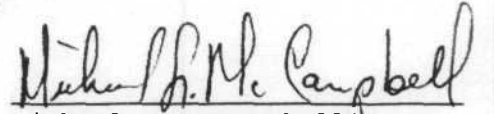
22. To furnish copies of any and all statements or reports of prosecution witnesses which have been reduced to writing.
23. Furnish photostatic copies of all crime laboratory reports pertaining to this case.
24. Furnish copies of all offense reports or other official reports pertaining to these offenses.
25. Supply copies of any and all medical reports that the State has or wishes to introduce into evidence with respect to this case or cases.
26. To permit defendant to see, inspect, photocopy, and/or copy any photographs, diagrams, blueprints, layouts, or plans of the grounds or buildings of the premises involved in these proceedings which are in the possession of the State.
27. To allow defendant to see, inspect and view any photographs, film, slides, or moving pictures containing relevant evidence in this case which the State has in its possession or intends to use in the preparation for trial and/or trial in this case.
28. To produce and permit defendant to inspect and copy any warrants, affidavits, inventories and other related papers involved in these proceedings (Pursuant to Md. Rule 4-601).



Michael L. McCampbell, Jr.,
Sr. Assistant Public Defender
500 Virginia Avenue
Towson, Maryland 21204
321-3778

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Notice of Appearance,
Motions Pursuant to Maryland Rule 4-252 and Defendant's **Request for** Discovery
and Motion to Produce Documents were delivered to the Office of the State's
Attorney for Baltimore County, County Courts Building, Towson, Maryland 21204,
this 20 day of May, 1986.


Michael L. McCampbell
Sr. Assistant Public Defender

CIRC COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

TO: HIANA L OWENS
33 CYPRESS DR
APT 2 B
BALTIMORE, MD 21220

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, OH AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986



SHERIFF 'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

ELMER H. KAHLINE
Clerk, Circuit Court for Baltimore County

Per _____

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE *

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

TO- JOSEPH BREEN
33 CYPRESS DR
APT 2 B
BALTIMORE, MD 21220

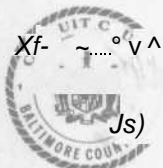
You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986

*Elmer H. K*HLINE*
ELMER H. K*HLINE

Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____i_____

REASON: _____

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE *

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2657


State of Maryland, Baltimore County to wit:

TO: MICHAEL SHRISBGR
9326 SEMEN COURTS DR
BALTIMORE, MD 21236

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31. 1986


ELMER H. KAHLIN (Jr.)

Clerk, Circuit Court for Baltimore County

'S RETURN

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE

HATE SERVED:

STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVICE NOT MADE:
REASON:

SHERIFF

FEE \$

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. B4CR2437

State of Maryland, Baltimore County to wit:

TO: DAVID CUMMINGS
1102 BEECH DR

BALTIMORE, MD 21220

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19/ 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986



SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

ELMER H. KAHLINE
Clerk, Circuit Court for Baltimore County

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE \$ _____

CIRCU. i COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BGYD OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

C.C. NO. E748411
CITATION NO.

TO" PO RICHARD S HANDSHOE
2292
PC11

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986



SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

ELMER H. KAHLINER
Clerk, Circuit Court for Baltimore County

Per _____

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE: \$ _____

CIRC. , COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

TO- **STEPHEN** COOPER
308 N ROBINSON ST
BALTIMORE, MD 21224

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986




SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____


'ELMER H. KAHLINE (Jr.)

Clerk, Circuit Court for Baltimore County

Per _____

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE * _____

CIRC , COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

C.C. NO. E748411

CITATION NO.

TO- F'O ROY R JR TAYLOR
1765
MARI

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19> 1986 AT
0?:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986



SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

ELMER H. KAHLINE (JR.)

Clerk, Circuit Court for Baltimore County

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE: *

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

C.C. NO. E748411
CITATION NO.TO: PO DON R ROBY
2555
PC11

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986



SHIRIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

ELMER H. KAHLINE
Clerk, Circuit Court for Baltimore County

Per _____

Deputy _____

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE: *

CIRC . COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

C.C, NO. E748411
CITATION NO.

TO- PO HENRY F JR GREENLOW
2818
PC11

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19* 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986



ELMER H. KAHLINE
Clerk, Circuit Court for Baltimore County

Per

Deputy



SHERIFF'S RETURN

DATE SERVED. _____

DATE SERVICE NOT MADE: _____

REASON: _____

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

..SHERIFF

FEE: \$ _____

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD, OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

C.C. NO. E/4841.1
CITATION NO.

TO: PO HENRY F JR GREENLOW
2818
PC1:1.

RECEIVED
1986 AUG -1 AM 6:59

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19> 1986 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31... 1986

Elmer H. Kahline Jr.
ELMER H. KAHLNE JR.

Clerk, Circuit Court for Baltimore County

Per

Deputy



SHERIFF'S RETURN

DATE SERVED:

HATE SEBVffOE NOT MADE:

REASON:

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF O. CO., ©8ERIFF

FEE: %

Geo

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYU OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

C.C. NO. E748411
CITATION NO.

TO: FO ROY R JR TAYLOR ,

i.l.7

MARI A

RECEIVED
1986 AUG -1 AM 6:59SHERIFF'S OFFICE
BALTIMORE CO.

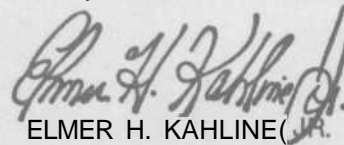
You are hereby SUMMONED TO APPEAR

before the Judges of the Circuit Court for

Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31 1986

ELMER H. KAHLINE, JR.
Clerk, Circuit Court for Baltimore CountyPer 

Deputy

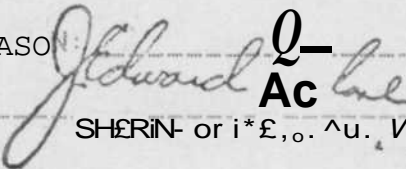


SHERIFF'S RETURN

DATE SERVED: 8-4-86

DATE SERVICE NOT MADE:

REASON:


Ac

SHERIFF

SHERIFF or i * £ . o . ^ u . W

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE: \$ 1800

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. B6CR2657

State of Maryland, Baltimore County to wit:

pXC 11 11 11

C.C. NO. E748411

CITATION NO.

TO: PO RICHARD S HANDSHOE
2292
pen

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE. *..

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986



Elmer H. Kahline Jr.
ELMER H. KAHLINE JR.

Clerk, Circuit Court for Baltimore County

Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 5-4-86

DATE SERVICE NOT MADE:

FJEASO

Edward Malone
SHERIFF OF BALTO. CO.

SHERIFF

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE: \$ 15.00

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2.357

State of Maryland, Baltimore County to wit:

C.C. NO. E748411
CITATION NO.TO: PO DON R ROBY
2555
PC11RECEIVED
1986 AUG -1 AM 6:59
SHERIFF'S OFFICE
BALTIMORE CO.You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

i33

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986

ELMER H. KAHLINE, JR.
Clerk, Circuit Court for Baltimore County

Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 8-4-86

DATE SERVICE NOT MADE:

REASON:

SHERIFF

FEE: \$

f free

SHERIFF OF BALTIMORE COUNTY, MD.

CIRCUIT COURT FOR BALTIMORE CO¹st ITY

State of Maryland vs. KENK.....H BOYD OWENS

Argue Fencus
Case No. *Huson 79* 86CR2657

State of Maryland, Baltimore County to wit:

TO: MICHAEL SHRISBOR
9326 SEMEN COURTS DR

nP P¹ A¹? E 0
ft* W •"
^ . . / x . | ^ S* 59
"db U^

BALTIMORE. MD 2:1.236

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 311 :1.9B6



Elmer H. Kahline Jr.

ELMER H. KAHLINE JR.
Clerk, Circuit Court for Baltimore County

Pe *AP*

Deputy

SH **ERIFF'S** RETURN

DAI'E SERV»ED: 8-5-86

DATE SERVICE NOT MADE:

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

REASON:

Edward Kahline
SHERIFF OF BALTO. CO., MD.

SHERIFF

FEE \$ 15.00

529-1715

79 Henslen

* CIRCUIT COURT FQJB, -6ALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

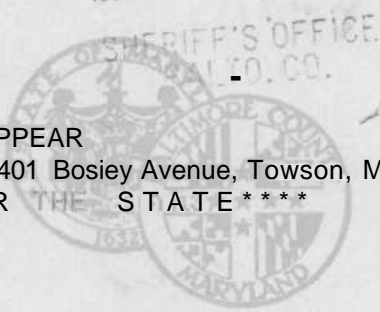
Case No. 86CR2657

State of Maryland, Baltimore County to wit:

RECEIVED

TO: DIANA L. OWENS
33 CYPRESS DR
ART 2 B
BALTIMORE, MD 21220

1986 AUG -1 AM 6:59



You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosiey Avenue, Towson, Maryland, ON AUGUST 1.9. 1986 AT 09:15 A.M. TO TESTIFY FOR THE STATE****

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31 1986

Elmer H. Kahline Jr.
ELMER H. KAHLINE JR.

Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

DATE SERVED:

8/1/86

DATE SERVICE NOT MADE:

REASON:

Edward [Signature]
SHERIFF OF BALTO. CO., MD.

SHERIFF

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE \$ 15.00

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. KENNETH BOYD OWENS

Case No.

86CR2657

State of Maryland, Baltimore County to wit: n C C £ / y t. U

TO: DAVID CUMMINGS
1102 BEECH DR

;nOC p\ H. — 1 3:50

BALTIMORE, MD 21220

1" 1. % . C.

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
 09:15 A.M. TO TESTIFY FOR THE STATE 1

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31, 1986



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE: CL 8/8/86

REASON:

Edward Malone
 SHERIFF OF BAUTO. CO., M&.

SHERIFF

Elmer H. Kahline Jr.
 ELMER H. KAHLINE JR.

Clerk, Circuit Court for Baltimore County

Per

JP

Deputy

WITNESS INFORMATION AND
 ASSISTANCE
 STATE'S ATTORNEY'S OFFICE
 583-6650

FEE \$

CIRCUIT COURT FOR BALTIMORE CO[^]TYHensler
79

State of Maryland vs. KENNETH BOYD OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

TO: JOSEPH *mi&M^* AGNEW
33 CYPRESS DR
APT 2 B
BALTIMORE, MD 21220

RECEIVED
1986 AUG -1 AM 6:59
SHERIFF'S OFFICE
BALTO. CO.

3£

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 1?.. 1986 AT
09:15 A.M. TO TESTIFY FOR THE MAT***

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31 1986



Elmer H. Kahline Jr.
ELMER H. KAHLIN (JA.)

Clerk, Circuit Court for Baltimore County

Per *[Signature]*

Deputy

SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

8/8/86

REASON:

Edward Malone
SHERIFF OF BALTO. CO., MD.

SHERIFF

WITNESS INFORMATION AND
ASSISTANCESTATE'S ATTORNEY'S OFFICE
583--6650

(NOTE corrected name)

FEE \$

GIF IT COURT FOR BALTIMORE COUNT

Middletown CITY

State of Maryland vs. KENNETH BOYD OWENS

Case No. S6CR2657

State of Maryland, Baltimore County to wit:

TO: STEPHEN COOPER
 303 N ROBINSON ST
 BALTIMORE, MD 2122-

RECEIVED
 SHERIFF'S OFFICE
 AUG 5 12 17 PM '86
 BALTIMORE CITY, MD

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON AUGUST 19, 1986 AT
 09:15 A.M. TO TESTIFY FOR THE STATE * * * *

Srrar/

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 31 1986



Elmer H. Kahline Jr.
 ELMER H. KAHLINE (Jr.)

Clerk, Circuit Court for Baltimore County

Per

[Signature]

Deputy

SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

WITNESS INFORMATION AND
 ASSISTANCE
 STATE'S ATTORNEY'S OFFICE
 583-6650

08/05/86
Moved
George W. Freeberger
 SHERIFF Balto. City
J. Dooley #7

FEE *

STATE OF MARYLAND

*

IN THE CIRCUIT COURT

VS.

*

FOR BALTIMORE COUNTY

KENNETH B. OWENS

*

CASE NO. 86 CR 2657

STATE'S ANSWER TO DEFENDANT'S
MOTION FOR DISCOVERY AND INSPECTION

Now comes Sandra A. O'Connor, State's Attorney for Baltimore County, and Lee J. Eidelberg, Assistant State's Attorney for Baltimore County, and in Answer to Defendant's Motion for Discovery and Inspection, says the following:

1. Upon reasonable notice to this office, the Defendant or his Counsel may inspect and copy any books, papers, documents, recordings or photographs which the State intends to use at trial; inspect and photograph any tangible objects which the State intends to use at trial; and to inspect, copy and photograph any item obtained from or belonging to the Defendant.

2. Upon reasonable notice to this office, the Defendant or his Counsel may inspect and copy all written reports or statements made in connection with this case by each expert consulted by the State. If any oral report has been made by such an expert, a report will be attached hereto indicating the substance of the report and any conclusions reached. A copy of any written reports, if available, will be attached hereto.

3. ☐ The Defendant made no statements or confessions, oral or written, which are known to the State at the present time.

☒ The Defendant made a written statement or confession, the copy of which is attached hereto. (Defendant's copy only)

☐ The Defendant made an oral statement or confession, the substance of which is as follows:

FILED AUG 1d 1986

4. ☒ The Co-defendant(s) made no statements or confessions, oral or written, which are known to the State at the present time.

/N/A The Co-defendant(s) made a written statement or confession, the copy of which is attached hereto.

X/A The Co-defendant(s) made an oral statement or confession, the substance of which is as follows:

5. At the present time, there is no information known to the State which is exculpatory, in any manner, to the Defendant.

6. The State reserves the right to amend and/or supplement this answer, upon reasonable notice to the Defendant or his Counsel before the trial, by supplying information not presently known to the State's Attorney's Office.

7. As to all other requests by the Defendant (except for the answer to 8 below), the State declines to answer because those requests do not come within the purview of Maryland Rule 4-263.

8. The names and addresses of the witnesses now known that the State intends to call to prove its case in chief or to rebut alibi testimony are as follows:

Diana Lynn Owens
Joseph Breon
33 Cypress Drive
Apartment 2-B
Baltimore, Maryland 21220

David Cummings
1102 Beech Drive
Baltimore, Maryland 21220

Off. R. Handshoe, #2292
Off. H. Greenlow, #2818
Off. D. Roby, #2555
Precinct 11
Baltimore County Police Dept;

Michael Shrieber
9326 Seven Courts Drive
Baltimore, Maryland 21236

Stephen Cooper
308 N. Robinson Street
Baltimore, Maryland 21224

Off. R. Taylor, #1765
Marine Unit
Baltimore County Police Dept,

Sandra A. O'Connor
SANDRA A. O'CONNOR
State's Attorney for
Baltimore County

J&E J. Eidemberg (7T)
/J&E J. EIDELBERG C/
/Assistant State's Attorney
1/ for Baltimore County

I HEREBY CERTIFY that a copy of the foregoing State's
Answer to Defendant's Motion for Discovery and Inspection was sent
this y[^]f-^^-day of August, 19 8& to Michael McCampbell,
Esquire, 500 Virginia Avenue, Towson, Maryland 21204.

J&E J. Eidemberg C
/L E "3V EIDELBERG rn/
/^ssistant State's Attorney
s for Baltimore County
County Courts Building
Towson, Maryland 21204

LJE/jll

CIRCUIT COURT FOR BALTIMORE COUNTY

Towson, Maryland 21204

District Court Case No. _____

Case No. 0& _____

August 19, 1986

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: ELMER H. KAHLIN, JR., CLERK

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner _____

Date Of Trial _____

-A. _____

4 _____

7/19

> 19 _____

86

Judge _____

LST

URBL

Charge JL&vzM7T-Guilty J&TJfA

NOT GUILTY _____

DISPOSITION:

A. Sentenced To Department Of Correction _____

length Of Sentence _____

B. Sentenced To Baltimore County Detention Center _____

Length Of Sentence _____

C. Remanded To Baltimore County Detention Center _____

Probation Report Of Psychiatric Evaluation _____

D. Placed On Probation _____

Length Of Probation _____

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G?} Nol Pros -2&r.PJ<Qj*3-^.—%J*L&2J.SS

H. Arraignment _____

I. Trial Continued _____

J. Trial Postponed _____

K. Bail Hearing _____

L. Defendant Released From This Case Only.
Release In Transit.

ELMER H. KAHLIN, JR., Clerk

Per _____

Deputy Clerk

COURT CLERK'S WORK SHEET

TRIAL DATE August 19, 1980 O-L J Judge W. R. B. J. Jackson

STATE'S ATTORNEY See Edelberg DEFENDANT'S ATTORNEY M. McCampbell

COURT REPORTER Kendie Irwin P.C. 4 CLERK Kim Krazier BS

CASE # P'1-C R2657 NAME Owen, Kenneth B.

CHARGE Assault 2/m.

TRIAL 5/K PLEA CAI #1
COURT JURY GUILTY NOT GUILTY NOLO CONTENDERE

MOTION: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL
GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL
GRANTED OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS
Not Pros balance

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & (COSTS)
Department of Correction	<u>20 yrs</u>			<u>waived</u>
Balito. Co. Detention Center	<u>out from 3/23/86</u>			

REMARKS Commit Sent.

M

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION DEFENDANT MUST REPORT TO PROBATION INTAKE OFFICE ROOM 346 COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

CIRCUIT COURT FOR

BALTIMORE COUNTY

Located at

Court Address

401 BOSLEY AVE. TOWSON MD.

Zip Code

21204

Telephone

494-3413

State of Maryland

Case No(s). 86CR2657

vs.

Tracking No. 08-05-O21557C4

Defendant

KENNETH BOYD OWENS

DOB.

(9/12/62)

Date Sentence Imposed AUGUST 19, 1986

COMMITMENT RECORD

TO: ☒ Commissioner of Correction ☐ Warden/Sheriff of ☐ Jail/Detention Center
YOU ARE DIRECTED to receive the above named Defendant who has been sentenced and is hereby committed
to your custody by JUDGE WILLIAM R. BUCHANAN, SR. The Defendant has been found guilty as to:

Case/Count/ Offense No.	*c 86CR2657	Charge	ASSAULT W/INTENT TO MTKDER	Art.	27	Sec.	12
Sentence	20 years	<input type="checkbox"/>	Concurrent with	<input type="checkbox"/>	Consecutive to Case/Count/Offense No.		
Case/Count/ Offense No.		Charge		Art.		Sec.	
Sentence		<input type="checkbox"/>	Concurrent with	<input type="checkbox"/>	Consecutive to Case/Count/Offense No.		
Case/Count/ Offense No.		Charge		Art.		Sec.	
Sentence		<input type="checkbox"/>	Concurrent with	<input type="checkbox"/>	Consecutive to Case/Count/Offense No.		

SPLIT SENTENCE All but ☐ is/are suspended and the Defendant is placed on probation for a period of ☐ commencing upon release of Defendant from incarceration, either by means of mandatory release or parole, whichever occurs first. A copy of the Order for Probation is attached.

The total time to be served is 20 (twenty) yrs. and shall (complete either A or B):

- A. begin on March 23, 1986 including 283 days credit for time served before sentencing (Art. 27, §638C) and is to run concurrently with the sentence imposed in Case No. ☐ and any other outstanding or unserved sentence.
- B. run consecutively to the sentence imposed in Case No. **3** and to any other outstanding or unserved sentence and Defendant is to be given ☐ days credit for time served before sentencing.

ADDITIONAL SENTENCING INFORMATION:

COURT COSTS WAIVED.

☐ Commitment is for execution of previously suspended sentence after Defendant was found in violation of probation.

☐ Sentencing modification. This commitment supersedes commitment issued on: ☐

ATTACHMENTS HERETO INCLUDE: ☐ Additional Sentence(s); ☐ Order for Probation; ☐ Conditions of Parole;

☐ Order for Reimbursement of Public Defender; ☐ Other: ☐

TRULY taken from the record of this Court.

WITNESS my Hand and the Seal of said Court this date:

AUGUST 19, 1986

3☐ Appeal Bond set at \$ ☐

wFIT '», "Q ^Cferk of Court / Judge

B. C I. NO. 130936

BALTIMORE COUNTY POLICE DEPARTMENT

NAME OWBKS, Kenneth Boyd

ADDRESS 33 Cypress Dr. -^Apt B2 21220

AGE _____ DATE OF BIRTH 2/12/62

HEIGHT 5'10" WEIGHT -158

HAIR Brn EYES Blue

SCARS _____ SEX M

MARKS _____ COLOR _____ W _____

F.P.C. 9 R 000 13

3 W 010

OCCUPATION

DATE PHOTO
WAS TAKEN .

SEARCHED BY

DATE _____

W

UNITED STATES DEPARTMENT OF JUSTICE

136936

FEDERAL BUREAU OF INVESTIGATION

PAGE

1 MD938479

IDENTIFICATION DIVISION
WASHINGTON, D.C. 20537

01/14/86

Use of the following FBI record, NUMBER 680 796 W7 is REGULATED BY LAW. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprints. 05

Contributor: Identifier (ORI) Name Case Number (OCA)	Subject Name State Number (SID)	Arrested or Received	C - Charge D - Disposition
RATIONAL CRIME INFORMATION CENTER FGPT		CLASS:	20 6b 13 DO 16 1b PO 13 1/ 1U
INISP4400 STATE POLICE INDIANAPOLIS, IN	OWENS, KENNETH B INDC3105	01/20/81	C-ARSON
IN032035C RECEPTION&DIAGN CTR PLAINFIELD, IN 20528	OWENS, KENNETH BOYD	02/25/81	C-ARSON D-CONVICTED- CONFINEMENT-10Y C-BURGLARY CLASS B D-CONVICTED- CONFINEMENT-10Y C-ARSON D-CONVICTED- CONFINEMENT-10Y
FL0010000 SHERIFF'S OFFICE GAINESVILLE, FL 80-00072	OWEN, KENNETH BOYD FL01922228	09/12/83	C-GRANDTHEFT I*•P- C-BURGLARY
FL0010100 POLICE DEPARTMENT GAINESVILLE, FL CJ14622	OWENS, KENNETH BOYD FL01922228	10/20/83	C-UTTERING A FORGERY D-G - D.O.C
FL0430000 SHERIFF'S OFFICE STUART, FL 11591	OWENS, KENNETH BOYD FL01922228	02/26/84	C-GRAND THEFT AUTO D-06/01/84 NP" BY ST ATTY C-N0 VALID DL w./ D-06/01/84 NP BY ST ATTY C-FORGERY/UTTER CHECK D-06/01/84 TOT ALACHUA CO

CONTINUED NEXT PAGE

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

IDENTIFICATION DIVISION

WASHINGTON, D.C. 20537

PAGE


2

01/14/86

Use of the following FBI record, NUMBER 680 796 W7 is REGULATED BY LAW. It is furnished FOR OFFICIAL USE ONLY and should ONLY BE USED FOR PURPOSE REQUESTED. When further explanation of arrest charge or disposition is needed, communicate directly with the agency that contributed the fingerprint. 06

Continuator: Identifier (ORD Name Case Number (OCA)	Subject: Name State Number (SID)	Arrested or Received	C - Charge D - Disposition
CONTINUED FROM PREVIOUS PAGE			
FL0010000 SHERIFF'S OFFICE GAINESVILLE, FL 80-00072	OWENS, KENNETH BOYD FL01922228	05/08/84 <i>(Dispo)</i>	C-FORGERY C-UTTERING BANK CHECK 2 CTS
FL063025C DEPT OF CORRECTIONS LAKE BUTLER, FL 094306	OWENS, KENNETH BOYD FL01922228	06/25/84 <i>✓</i>	C-UTTERING A FORGERY D-CONFINEMENT-18M LS 12YD CJT 2 COMMI OF 18M TO RUN CC
FL0010000 - SHERIFF'S OFFICE GAINESVILLE, FL 80-00072	OWENS, KENNETH B FL01922228	09/05/84 <i>f</i>	C-ESCAPE
FLQ63025C DEPT OF CORRECTIONS LAKE BUTLER, FL A094306	OWENS, KENNETH BOYD FL01922228	12/18/84 <i>✓</i>	C-ESCAPE D-9M0S TO RUN CONSECUTIVE
MD0030100 BALTIMORE CO POLICE TOWSON, MD 136936	OWENS, KENNETH BYOD MD938479	09/24/85	C-GRAND THEFT MISC <i>N.P</i>
REQUESTING AGENCY COP,Y MD0030100 BALTIMORE CO POLICE TOWSON, MD			


BALTIMORE COUNTY POLICE
ARREST REPORT Form #166

1. Defendant's Name (Last, First/Middle) <i>Ch 35, Kenneth Boyd</i>				2. D.O.B. <i>2-12-62</i>		3. B.C.I. No. <i>136936</i>	
4. Sex <i>M</i>		5. Race <i>W</i>		6. Place of Birth <i>Indiana</i>		7. Defendant's Address <i>33 Apt B 2 Cypress Dr. 21220</i>	
9. Age <i>23</i>		10. Ht. <i>5-10</i>		11. Wgt. <i>158</i>		12. Build <i>Med</i>	
13. Hair <i>Brown</i>		14. Eyes <i>Blue</i>		15. Scars/(*circs) <i>W</i>		16. Teeth <i>Good</i>	
17. Speech <i>Good</i>		18. Mustache, Beard, Etc. <i>N/A</i>		19. Amp./Deform. <i>N/A</i>			
20. Occupation <i>N/A</i>		21. Place of Employment/School and Address <i>Unemployed</i>				22. Home Phone <i>391-4572</i>	
23. Work Phone <i>N/A</i>		24. Alias <i>N/A</i>					
25. Date of Arrest <i>Tue 9-24-85</i>		26. Time <i>0500</i>		27. Location of Arrest (Address) <i>7852 Rebit-Rd 21236</i>		28. Describe Type of Premises <i>Police Station</i>	
29. Arresting Officer <i>K. Keene</i>		I.D. No. <i>2689</i>		30. Div./Pct. <i>PC9/PD</i>		31. C. Date <i>9-24-85</i>	
32. Time <i>0530</i>		33. Pa/soy Contacted-Rec.Sect. <i>Robert</i>		34. Transport Officer <i>1, 7</i>			
35. Date Booked <i>9-24-85</i>		36. Time Booked <i>0510</i>		37. Booking Officer <i>#29</i>		I.D. No. <i>1129</i>	
38. Div./Pct. <i>PD/PC9</i>		39. Searched By <i>#29</i>		I.D. No.			
39.1 SBR <i>hbd</i>		40. Drug Information /					
A. • User		A. • Dangerous Drugs		A. • Narcotics		A. • Hallucinogens	
B. • Seller		B. • -6. [Z]		B. •		B. • Marijuana	
DEFENDANT'S VEHICLE INFORMATION				41. Soundex No. <i>ANK</i>		42. Saapl Security No. <i>officer - 1/fafay</i>	
43. Make		44. Model		45. Year		46. Color(s)	
47. V.I.N.		48. License No.		State		Year	
49. Towed. (Name of Company, Address, Driver, Date and Time)						49a. T T. Number	
49b. T T. Cancelled Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>							
50. Previous Arrest Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		51. For Same Offense Balto. Co. • Other Jur. <input type="checkbox"/>		52. For Other Offense Balto. Co. • Other Jur. •		53. Escaped Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
54. Presently on Parole/Probation Yes • No <input type="checkbox"/>				55. Previous Conviction Yes <input type="checkbox"/> - No <input checked="" type="checkbox"/>		56. Right Index	
Item No.		57. Narrative		LOCAL POLICE 01377-7C1			
58. Name of Officer Present During Processing <i>#29</i>						Print Cards Submitted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
						Photographed <input checked="" type="checkbox"/> Yes • No	
59. Data Processing Use Only							
COURT INFORMATION							
60. CHARGE: Article/Section <i>Grand Theft Misc Art 27 Sec 342</i>		61. Warrant/Summons Citation Number Statement of Charges <i>013171 c1</i>		62. G C Number <i>E-546579</i>		63. Div. Pet. <i>PD/PC9</i>	
						64. Records Section Use	
						DISPOSITION(S) <i>WILL JIL J. Jiflu</i>	
						BE OBTAINED FROM COURT	
65. Victim's Name <i>Ford Leroy Warren Jr.</i>							
66. Bail Hearing <input checked="" type="checkbox"/> Yes • No		67. Before Commissioner Name <i>COAAAA</i> • AA <i>OSNER</i>		68. Date/ <i>9/24/85</i>		69. Time <i>1015</i>	
70. Court Location <i>8- TOWSON</i>							
71. Court Case No. <i>01377C1</i>		72. Bail Amount <i>m.</i>		73. Trial Date <i>1/14/86</i>		74. Trial Location <i>3-5 ESSEX</i>	
75. Status of Defendant <input type="checkbox"/> To Jail <input type="checkbox"/> Released on Bail <input checked="" type="checkbox"/> Released on Own Recognizance <input type="checkbox"/> Released Without Charge <input type="checkbox"/> Arrested for Other Agency - Name of Agency • Other (Explain)							
76. Distribution: Legal <i>4</i> Data Process. C.I.D. Intell. Other <i>FILED</i>		77. Approved By <i>Sgt. W. Brown</i>		I.D. No. <i>1290</i>		78. Div./Pet. <i>PC9/PD</i>	
79. Det/Submitted <i>9U5185</i>		80. Status <input type="checkbox"/> Closed <input checked="" type="checkbox"/> Open		81. Reporting Area		82. Received Records Section SEP 26 1985	

84. Records Section
E546-579

BALTIMORE COUNTY POLICE

ARREST REPORT Form #166

1. Def- Hart's Name (La'st, First, Middle) On. JS nf			2. D.O.B. 2-12-62			3. B.C.I. No. 136936																										
4. Sex M			5. Race A.			6. Place of Birth INDIANA			7. Defendant's Address 33 APT B2 CYPRESS DR. 21220			8. Arrest No. 86-1665																				
9. Age 23			10. Ht. S/O			11. Wgt. 158			12. Build MED.			13. Hair BROWN			14. Eyes BLUE			15. Scars/Marks N/V			16. Teeth GOOD			17. ^peech NORMAL			18. Tu/stache/Beord, Etc. LIGHT			19. Amp./Deform. N/A		
20. Occupation JANITORIAL			21. Place of Employment/School and Address OMN/2 FLIGHTS 70/ FULSON PK RD									22. Home Phone J<?/-4572			24. Alias N/A																	
23. Work Phone 391-7722			25. Date of Arrest Day TUE Mo 02 Day 24 Yr 86									26. Time 0500			27. Location of Arrest (Address) 1000 BLOCK WILSON PK RD 21220			28. Describe Type of Premises Pofaie. STREET														
29. Arresting Officer 1			I.D. No. ENE 2689			30. Div./Pct. PATROL/PC9			31. C. A. Mo. Day-Yr. 033C			32. Time THOMAS			33. Person Contacted-Rec.Sect. #29			34. Transport Officer #29														
35. Date Booked Mo. 1 Day 1 Yr 86			36. Time Booked 0315			37. Boo'ing Officer #29			I.D. No. PATROL PC9			38. Div./Pct. #29			39. Searched By #29			I.D. No.														
39.1 SBR HBD			40. Drug Information A <input checked="" type="checkbox"/> I-1 <input checked="" type="checkbox"/> JL 3f <input checked="" type="checkbox"/> A <input checked="" type="checkbox"/> I-1 <input checked="" type="checkbox"/> Dangerous Drugs <input checked="" type="checkbox"/> B <input checked="" type="checkbox"/> Q <input checked="" type="checkbox"/> Narcotics <input checked="" type="checkbox"/> Aki <input checked="" type="checkbox"/> Hallucinogens <input checked="" type="checkbox"/> B <input checked="" type="checkbox"/> Marijuana																													
DEFENDANT'S VEHICLE INFORMATION			41. Soundex No. -465-095-113									42. Social Security No. 264-51-6647																				
43. Make			44. Model			45. Year			46. Color(s)			47. V.I.N.			48. License No.			State			Year											
49. Towed. (Name of Company, Addreii, Driver, Date and Time)												49a. T T. Number			49b. T T. Cancelled Yes f1 None T																	
50. Previous Arrest Yes • No •			51. For Same Offense Balto. Co. • Other Jur. <input type="checkbox"/>			52. For Other Offense Balto. Co. • Other Jur. <input type="checkbox"/>			53. Escapee Yes • No <input type="checkbox"/>																							
54. Presently on Parole/Probation Yes <input type="checkbox"/> No <input type="checkbox"/>						55. Previous Conviction Yes • No •						56. Right Index																				
Item j 57. Narrative No. -																																
58. Name of Officer Present During Processing #29												PfigtGgraphed JZJ Yes • No																				
59. Data Processing Use Only												COURT INFORMATION																				
60. CHARGE: Article/Section THEFT PETTY MISC. ART. 27 Sec 342						61. CS/Grpcy Summons Citation Number Statement of Charges 622936CG						62. e-CTMumber 7-7/37X9 PC9																				
CHILD ABDUCTION FL- 9-304						622928C5						E-712672 PC9																				
TELEPHONE - /ff.su\$E. /krai Sec 555A						622928C5						E-712672 PC9																				
ASSAULT/BATTERY COMMON LAW						622928C5						E-712672 PC9																				
65. Victim's Name JAMES A. TESSIER, DIANA OWENS																																
66. Bgil Hearing <input checked="" type="checkbox"/> Yes • No			67. Before Commissioner Name KHHL			68. Date 2-11-86			69. Time 0503			70. ^ Cijurt Location 1000 WILSON																				
71. Court Case No. #61			72. Bail Amount #75			73. Trial Date 2			Mo. Day Year 5			74. Tipl Location 1-52 E C																				
75. Status of Defendant <input type="checkbox"/> To Jail <input type="checkbox"/> Released on Bail <input type="checkbox"/> Released on Own Recognizance <input type="checkbox"/> Released Without Charge <input type="checkbox"/> Arrested for Other Agency - Name'bf Agency																																
76. Distribution: Legal <input type="checkbox"/> Data Process. <input type="checkbox"/> C.I.D. <input type="checkbox"/> Intell. <input type="checkbox"/> Other <input type="checkbox"/>			77. Approved by Sgt H. Kowar			I.D. No. 2290			78. Div./Pct. PC9 PD			79. Date Submitted 2/11/86			80. Status <input type="checkbox"/> Closed <input checked="" type="checkbox"/> Open																	
81. Report Review SK						82. Reporting Area OK2						83. Received Records Section FEB 11 1986																				

BALTIMORE COUNTY POLICE
ARREST REPORT Form #166

1. Defendant's Name (Lst, First-Middle) <i>DL</i>				2. D.O.B. <i>021262</i>				3. B.C.I. No. <i>136936</i>																																															
4. Sex <i>W</i>		5. Race <i>W</i>		6. Place of Birth <i>BALTO MD</i>		7. Defendant's Address <i>33 CYPRESS DRIVE flif f> -3L</i>						8. Arrest No. <i>86-3416</i>																																											
9. Age <i>24</i>		10. Ht. <i>5'8</i>		11. Wgt. <i>160</i>		12. Build <i>B</i>		13. Hair <i>BLK</i>		14. Eyes <i>BLUE</i>		15. Scars/Marks <i>TATTOOS</i>		16. Teeth <i>SPACED</i>		17. Speech <i>ACCENT</i>		18. Mustache, Beard, Etc. <i>NONE</i>		19. Amp./Deform. <i>N/A</i>																																			
20. Occupation <i>JANITOR</i>				21. Place of Employment/School and Address <i>INDUSTRIES 701 WILSON PT</i>								22. Home Phone <i>NONE</i>				24. Alias <i>NONE</i>																																							
23. Work Phone <i>574 8000</i>				25. Date of Arrest Day <i>SUN</i> Mo. <i>03</i> Yr. <i>86</i>				26. Time <i>1450</i>				27. Location of Arrest (Address) <i>FRON ?/K. flurftLsuur RD.</i>				28. Describe Type of Premises <i>individual Homes</i>																																							
29. Arresting/Accepting Off. <i>HANDSHOE</i>				I.D. No. <i>2292</i>				30. Div./Pct. <i>PD111</i>				31. C. Date A. Mo. <i>03</i> Day <i>23</i> Yr. <i>86</i> R. <i>03-23-86</i>				32. Time <i>1810</i>				33. Person Contacted-Ret."Sect." <i>JAGODCIN</i>				34. Transport Officer <i>HANDSHOE</i>																															
35. Date Booked Mo. <i>03</i> Day <i>23</i> Yr. <i>86</i>				36. Time Booked <i>1530</i>				37. Booking Officer <i>HANDSHOE</i>				I.C.I. No. <i>2292</i>				38. Div./Pct. <i>PD111</i>				39. Searched By <i>HANDSHOE</i>				I.D. No. <i>2292</i>																															
39.1 SBR <i>SDR</i>				40. Drug Information/ A. <input checked="" type="checkbox"/> User B. <input type="checkbox"/> Seller A. <input type="checkbox"/> Dangerous Drugs B. <input type="checkbox"/> Narcotics A. <input type="checkbox"/> Hallucinogens B. <input type="checkbox"/> Marijuana																																																			
DEFENDANT'S VEHICLE INFORMATION																41. Soundex No. <i>0 326 465 095 113</i>				42. Social Security No. <i>264-31-6647</i>																																			
43. Make				44. Model				45. Year <i>N/A</i>				46. Color(s) <i>N/A</i>				47. V.I.N.				48. License No. State Year																																			
49. Towed. (Name of Company, Address, Driver, Date and Time)												49a. T T. Number				49b. T T. Cancelled Yes <input type="checkbox"/> No <input type="checkbox"/>																																							
50. Previous Arrest Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				51. For Same Offense Balto. Co. <input type="checkbox"/> Other Jur. <input type="checkbox"/>				52. For Other Offense Balto. Co. <input type="checkbox"/> Other Jur. <input type="checkbox"/>				53. Escapee Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>																																											
54. Presently on Parole/Probation Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								55. Previous Conviction Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>								56. Right Index																																							
Item No. 157. Narrative <i>15 LEFT ARM - DIANA OWENS TATTOO OF GIRL, "U O AND UIRING"</i> <i>RIGHT ARM - SKULL AND CROSS BONES, KENNY, KENNY</i> <i>RIGHT CHEST - "AQUARIUS", SKULL</i> <i>LEFT LEG - KENNY</i>																LOCAL POLICE <i>626071C5</i> LOCAL POLICE <i>-U21557C4</i>								Print Cards Submitted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Photographed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																															
58. Name of Officer Present During Processing <i>#29</i>								58.1 Strip Search Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <i>Authority</i> <i>SGT. McGEHEE H/A/L</i>								59. Data Processing Use Only COURT INFORMATION 60. CHARGE: Article/Section <i>ASSAULT W/1 TO MURDER - SEC 12</i> <i>MAL. DEST OF PROPERTY - 27.111</i> <i>VIOLATION EX-PARTE - FL-4 Sec 505</i>								61. Warrant/Summons Citation Number gtdTement nt Charges <i>3/c</i> <i>626071C5</i> <i>626071C5</i>								62. C.C. Number <i>E7H8411</i> <i>E7H7602</i> <i>E7H7602</i>								63. Div. Pct. <i>PD111</i> <i>PD111</i> <i>PD/R211</i>								64. Records Section Use <i>MAY BE OBTAINED FROM COURT</i>							
65. Victim's Name <i>DIANA LYNN OWENS</i>								65.1 Off. Obtaining Trial Date <i>N/A</i>								I.D. No. <i>N/A</i>								65.2 For Other Off. <i>N/A</i>								I.D. No.																							
65.3 Comm. Contacted Date Time <i>3/23/86 2125</i>								65.4 Two Optional Trial Dates <i>86 900</i>								65.5 Off. Present During Bail Hearing <i>#29</i>								I.D. No.																															
66. Bail Hearing <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				67. Before Commissioner Name <i>Fitch</i>				68. P6te./ <i>6</i>				69. Time <i>6</i>				70. Court Location <i>ESSEX (A-5)</i>				84. Records Section <i>7442411</i>																																			
71. Court Case No. <i>0215 704</i>				72. Bail Amount <i>000</i>				73. Trial Date <i>Pending</i>				74. Trial Location <i>Court Ct.</i>																																											
75. Status of Defendant E] To Jail CD Released on Bail • Released on Own Recognizance CD Released Without Charge / <input type="checkbox"/> Arrested for Other Agency - Name of Agency <input type="checkbox"/> Other (Explain)																																																							
76. Distribution: 1 Legal Data Process. C.I.D. Intell. Other <i>FILE</i>				77. Approved By <i>SGT. CARL #1987</i>				I.D. No. <i>PD/R211</i>				78. Div./Pct. <i>3/23/86</i>				79. Date Submitted <i>3/23/86</i>												80. Status <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Open																											
81. Report Review <i>3A</i>								82. Reporting Area <i>39</i>								83. Received Recdrds Section <i>MAR 24 1986</i>																																							

BALMMOKfc COUNTY POLICE
ARREST REPORT Form #166

1. Defendant's Name (Last, First, Middle)

2. D.O.B.

3. B.C.I. No.

4. Sex M	5. Race W	6. Place of Birth Indian, IND.	7. Defendant's Address Sierra B-2 Cypress Dr. 21220					8. Arrest No. 86-1689						
9. Age 2	10. Ht. 5'8"	11. Wgt. 160	12. Build MED.	13. Hair BLONDE	14. Eyes TEATOO'S	15. Scars/Marks FALSE	16. Teeth 001D	17. Speech 001D	18. Mustache, Beard, Etc. NONE	19. Amp./Deform. NONE				
20. Occupation		21. Place of Employment/School and Address 701 -					22. Home Phone NONE		24. Alias NONE					
23. Work Phone 574-1000		25. Date of Arrest Day 7 Mo. 12 Day 18 Yr. 85					26. Time 1835		27. Location of Arrest (Address) #7		28. Describe Type of Premises APARTMENT			
29. Arresting/Arresting Off. GREENLOW		I.D. No. 2818		30. Div./Pct. PAT./K-11		31. C. Date A. Mo. Day Yr. 2-11-86		32. Time 1855		33. Person Contacted-Rec Sect. M'S. JEFFRIES		34. Transport Officer #29		
35. Date Booked Mo. Day Yr. 2-11-86		36. Time Booked 1855		37. Booking Officer #29		I.D. No. PAT./K-11		38. Div./Pct. PAT./K-11		39. Searched By #29		I.D. No.		
39.1 SBR SBR		40. Drug Information / A. • User // A J A. <input type="checkbox"/> Dangerous Drugs A. <input type="checkbox"/> Narcotics A. <input type="checkbox"/> Hallucinogens A. <input type="checkbox"/> Marijuana B. CD Seller 1" B. • <input type="checkbox"/>												
DEFENDANT'S VEHICLE INFORMATION N/A				41. Soundex No. -520-465-095-113				42. Social Security No. -6647						
43. Make		44. Model		45. Year		46. Color(s)		47. V.I.N.		48. License No.		State Year-		
49. Towed. (Name of Company, Address, Driver, Date and Time)								49a. T T. Number		49b. T T. Cancelled Yes <input type="checkbox"/> None <input type="checkbox"/>				
50. Previous Arrest Yes • No <input type="checkbox"/>		51. For Same Offense Balto. Co. • Other Jur. <input type="checkbox"/>		52. For Other Offense Balto. Co. • Other Jur. <input type="checkbox"/>		53. Escapee Yes <input type="checkbox"/> No <input type="checkbox"/>		54. Presently on Parole/Probation Yes • No <input type="checkbox"/>				55. Previous Conviction Yes <input type="checkbox"/> No <input type="checkbox"/>		56. Right Index
Item No. 157. Narrative 15 RIGHT ARM (SKULL + KENNY) LEFT ARM CH'd. V. GIRL W/NAT ON) LEFT LEG (KENNY) 21 WILSON fc/W-f f?E>. 21220 LOCAL POLICE 62294602 Print Cards Submitted <input checked="" type="checkbox"/> Yes • No Photographed <input checked="" type="checkbox"/> Yes • No														
58. Name of Officer Present During Processing 29				58.1 Strip Search Yes • No <input checked="" type="checkbox"/>				58.2 Photographed <input checked="" type="checkbox"/> Yes • No						
59. Data Processing Use Only COURT INFORMATION														
60. CHARGE: Article/Section FORGERY (5 CTS.) 27/44				61. Warrant/Summons Citation Number Statement of Thargar 62294602				62. C C Number E-701246		63. Div. Pet. PAT./K-11		64. Records Section Use		
65. Victim's Name OMNI FLIGHT AIRWAYS, INC.				65.1 Off. Obtaining Trial Date N/A				65.2 For Other Off. N/A		65.3 Comm. Contacted Date Time N/A				
65.4 Two Optional Trial Dates N/A				65.5 Off. Present During Bail Hearing JAMES OCTHAUS 1956				I.D. No.		66. Bail Hearing <input checked="" type="checkbox"/> Yes • No				
67. Before Commissioner Name K. Pflinos				68. Date 2-12-86				69. Time 0360		70. Court Location 35EX				
71. Court Case No. 622		72. Bail Amount 25,000		73. Trial Mo. Day Year PENDING		74. Trial Location U114 2 35EX		75. Status of Defendant <input checked="" type="checkbox"/> To Jail <input type="checkbox"/> Released on Bail <input type="checkbox"/> Released on Own Recognizance <input type="checkbox"/> Released Without Charge <input type="checkbox"/> Arrested for Other Agency - Name of Agency						
76. Distribution: Legal 1 Data Process. 1 C.I.D. 1 Intel. 1 Other 1		77. Approved By SAC CONNANITCH		I.D. No. 194F		78. Div./Pct. 1		79. Date Submitted 2-11-86		80. Status <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Open				
82. Reporting Area				83. Received Records Section FEB ts 1986				84. Rec'd 101246						

September 11, 1986

Michael L. McCampbell, Asst. P.D.
Public Defender's Office
500 Virginia Avenue
Towson, Maryland 21204

Re: State v- Kenneth Boyd Owens
Case No. 86CR2657

Dear Mr. McCampbell:

I acknowledge receipt of /our Motion for Modifi-
cation or Reduction of Sentence filed August 29/ 1986
in the above captioned case.

I have carefully reviewed this case and believe
the sentence imposed on August 19/ 1986 was fair and
just.

Your motion is, therefore, denied.

Very truly yours,

William R. Buchanan, Sr.

WRB:bas

CC Lee J. Eidelberg, Asst. St. Atty.

FILED SEP 11 1986

STATE OF MARYLAND

VS

KENNETH OWENS

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IN THE CIRCUIT COURT

OF BALTIMORE COUNTY

CRIMINAL CASE #86 CR 2657

MOTION FOR MODIFICATION OR REDUCTION OF SENTENCE

Kenneth Owens, Defendant, by Michael L. McCampbell, his attorney,
moves for a modification or reduction of his sentence and states:

There are circumstances which will be presented at the hearing
which the Court may consider in granting a modification or reduction
of sentence.

FILED AUG 29 1986



Michael L. McCampbell
Assistant Public Defender
500 Virginia Avenue
Towson, Maryland 21204

I HEREBY CERTIFY that a copy of the above Motion for Modification
or Reduction of Sentence was mailed this 29th day of August, 1986 to
the State's Attorney's Office, County Court House, Towson, Maryland 21204.



Michael L. McCampbell
Assistant Public Defender
500 Virginia Avenue
Towson, Maryland 21204



Sept 28th, 1989

Kenneth Owens[#] 183144
V. t. A.C.
401 e. Madison street
Baltimore, M^{ary}land. 21202

Clerk of Court
Circuit Court for Balto., County
County Courts Building
401 ^a Avenue
P.O. Box 6754
Towson, Maryland. 21204.

Rfl Court daia. JW Case
86cr2657
Balto. Co. Cir.

Dear Clerk of Court,

I'm writing this letter in regard
of a court date I had on Sept 13th 1989. at 9:15 am. it
was a post Conviction relief hearing.

However, the
court date was postponed. And I would like to
know the new court date. Cause no one told me
nor gave me the reason for the postponement.

I have
wrote the public defender's office in Colio. ClW. . Aui I
get no reply.

Could you please help me and let me
know the new court date? thank you. and thank you
for you're attention in this matter. I await your reply
Thank you.

Very Truly Yours

Kenneth Owens

Kenneth Owens #183144

M.C.A.C.

21 E. Madison Street

Baltimore, Maryland. 21202

Legal 1

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N.F

WORLD STAMP EXPO '89
WASHINGTON, DC
NOV. 17 - DEC. 3, 1989



Clerk of Court
Circuit Court for Balto, County
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Baltimore, Maryland. 21204

H2

PETITIONER

Kenneth 6. Owens

THE CIRCUIT COURT FOR

v.

Balto. County

State of Maryland

INDICTMENT NO. _____

MISC. NO. _____

PETITION FOR POST CONVICTION RELIEF;

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Petitioner, Kenneth 6. Owens prose pursuant to the Maryland Rules of Procedure, rule BK 40-45 and Article 27, section 645 A-J of the Annotated Code of Maryland, who brings this Petition for Relief under the uniform Post Conviction Act. Petitioner is also indigent and cannot pay the cost of said proceedings.

STATEMENT OF CASE

1. Petitioner was convicted in the Balto. Co. Cir. Court on the 17th day of August 1986. # 86cr2657

☒ By Plea of Guilty

B. By a Jury

☒ By the Honorable Judge W. Buchanan, Sr.

2. And convicted of the Offenses of:

Assault w/ Murder

and sentenced to a term of 10 years

years to the Department of Corrections.

3. The Court of Special Appeals affirmed the conviction on _____.

4. The Court of Appeals denied Certiorari on _____.

5. This is Petitioner's first Petition under this Act.

P.D.

Q/13 PC

FILED JUN 15 '89

ALLEGATIONS OF ERROR

1. Petitioner contends tht he was denied the effective assistance of Counsel at trial because PuM.g. Tlgt<iW^gr tA.'cr\A.fl I^cCampbell,
SAid H- 8-10
years with all other charges Nolle Prose.
But X VV>Ai SiWe Twenty years. Qi<Is all other
charges was charged against me. SEE C/ISf ^7 Cf 0408
2. Public Defender John Deros.,

The state AHern<y
-Tix. ||eA Vo keep promise of f dea deoA by
me Receiving 20 years. instead of the 8-10
ye'aC^ T was ?uppro^ ^ had received

3. All other charges was ^Lta^sed against m & firm
I .p^ea Guilty in return for He state's attorney
plea deaLL see CASE 87 cr 0408
- 4.

Wherefor Petitioner prays for the following:

1. Order an Evidentiary hearing with Petitioner Kg^gVU B. Owens present.
2. Reverse the Convictions and order a new Trial.
3. Allow Petitioner to freely Amend this Petition at any time.
4. Appointment of Counsel.

I HEREBY CERTIFY that a copy of ^f »Mc Petition was mailed to the

-HI. ^ day of MM- -1*23-
State's Attorney this J\ ^{aa7} ^{n^}

I hereby affirm that the foregoing is true and correct.

Kenneth B. Owens

PETITIONER

Kenneth B. Owens #183144

Maryland Penitentiary

954 Forrest street

Baltimore, Maryland

21202

June 23, 1989

Kenneth B. Owens 183144

M. C. A. C.

401 E. tAadison street
Baltimore, Maryland. 21202

Suzanne Mensh
clerk,

Circuit Court ~~f~~_{or} Baltimore County^M

County Courts Building^{vr\o}

P. O. Box 6754

Towson, Maryland. 21285-6754

»

RIT. 5th State of Md. vs. Kenneth Owens
Case NO. 86 cr 2657

"change of Address"

Dear Ms. Mensh,

Greetings, I would like to bring to your attention the change of address. I am no longer at the Maryland Penitentiary. Instead I'm now at the Maryland Correctional Adjustment Center. (M.C.A.C.) 401 E. Madison street. Baltimore, Maryland. 21202.

I have received via U.S. mail a notice of hearing from your office in concern of the above Case NO. [#]86 cr 2657. I'm to appear on September 13, 1989 @ 9:15 am.

"continue" 50

r

#2

*

And X wanted to let xjeu know about the change of
Address, so there won't be any problems when my court
date comes for whoever is to pick me up and bring me
to court. Could you also please let the public Defender's
office of Baltimore City aware of this matter also please?
Thank you for your attention in this matter.

Very Truly yours

Kenneth Owens,

• 2 ? 8
ZP X _ , > ' -

wens 123144

l.c.

. Madison street

here, Md. 21202.

[Handwritten signature]



52

Se ne Mensh

X

S.

XP

P

Cit Court for to County
County courts Building
P.O. Box 6754

Towson, Maryland. 21285 - 6754

NOTICE OF HEARING
(CUI COURT FOR BALTIMORE COU,

State of Maryland vs. KENNETH B. OWENS

Case No. 86CR2657

State of Maryland, Baltimore County to wit:

TO: Kenneth B. Owens #183144
Maryland Penitentiary
954 Forrest Street
Baltimore, Md. 21202

You are hereby NOTIFIED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on September 13, 1989 at
09:15 A.M. for the Trial of the above entitled case.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: June 12, 1989



SUZANNE MENSEH
Clerk, Circuit Court for Baltimore County

Per Joan Mather Deputy
Criminal Assignment Commissioner
887-2694

CC: States Attorney's Office
Public Defenders Office In Balitmore City

Kenneth Owens

V.

STATE OF MARYLAND

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

Case No. 86cr2657

STATE'S ANSWER TO PETITION FOR POST CONVICTION RELIEF

Now comes the State of Maryland by its attorneys Sandra A. O'Connor, State's Attorney for Baltimore County, and Kim Detrick, Assistant State's Attorney for Baltimore County, and says:

That the State denies each and every allegation of error and demands strict proof thereof.

WHEREFORE, the State prays that the Petition for Post Conviction Relief be denied.

Sandra A. O'Connor

SANDRA A. O'CONNOR
State's Attorney for Baltimore
County

Kim Detrick

Kim Detrick
Assistant State's Attorney

I HEREBY CERTIFY that a copy of the **foregoing** State's Answer to Petition for Post Conviction Relief was sent this 6

day of May, 19 89 to : Kenneth Owens

183144
Maryland Penitentiary
954 Forrest Street
Baltimore, Maryland 21202

Kim Detrick

Assistant State's Attorney
County Courts Building
Towson, MD 21204
583-6600

RLED JUL 7 1989

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSCH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE

RECD- SHERIFF'S OPBCEox 6754
* t u TOWSON, MARYLAND 21285-6754

WSEPI8 PU: 12

Case Numhpr 86cr2657

Ken Owens

Vs.

() Civil

(x) Criminal

Maryland

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Michael McCampbell, 500 Virginia Ave., Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: (x) Personally appear; () Produce documents and or objects only
() Personally appear and produce documents or objects;

at Circuit Court for Baltimore County

(Place where attendance is required)

on Thursday the 9 day of November, 19 89 at 9:15 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by () Plaintiff; (X) Defendant; and any questions should be referred to:

State's Attorney for R^n--i_nore County- •-887-6666

(Name of Party or Attorney, Address and Phone Number)

Date Issued FILED SEP 18 1989

CLERK



Signature & Seal

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

(6-^Served and copy delivered on date indicated below.

()—Unserved, by reason of

Date: Fee: \$ 15

SHERIFF-F

SHERIFF OF BALTO. CO., MD.

Original and one copy needed for each witness

COURT CLERKS WORK SHEET

TRIAL DATE

9/13/89

Judge

Sri

P. Robinson

STATE'S ATTORNEY

DEFENDANT'S ATTORNEY

COURT REPORTER

CLERK

CASE #

86CR 2657

NAME

Kenneth Owens

CHARGE

Post conviction

TRIAL

PLEA

COURT JURY

GUILTY

NOT GUILTY

NOLO CONTENDERS

MOTIONS:

1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED

OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED

OVERRULED

VERDICT:

GUILTY ON COUNTS

NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS

Out - postponed

Defendant Remanded D.O.C

(PQ~ file)

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANTS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

COURT CLERK'S WORK SHEET

TRIAL DATE 9/13/89 Judge Smith

P Robinson
STATE'S ATTORNEY

DEFENDANT'S ATTORNEY

S. Butcher
COURT REPORTER

CLERK

CASE # 04002650 h..rr v ^ 4 NAME Kenneth Owens

CHARGE 1st conviction

TRIAL COURT JURY PLEA GUILTY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED

OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED

OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balito. Co. Detention Center				

REMARKS Out - postponed

Deflt Remar. D.O.C
(NO file)

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

CIRCUIT COURT FOR BALTIMORE COUNTY

Towson, Maryland 21204

District Court Case No. _____

Case No. *£.&£R21.SJ2-

9/13, 19. 89

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner Kenneth Owens

Date Of Trial ^ - Z - LrL, 19 84 Judge Smith, J.

Charge _____ Guilty _____ NOT GUILTY

DISPOSITION:

A. Sentenced To Department Of Correction _____ Length Of Sentence

B. Sentenced To Baltimore County Detention Center _____ Length Of Sentence

C. Remanded To Baltimore County Detention Center _____ Probation Report Of Psychiatric Evaluation

D. Placed On Probation _____ Length Of Probation

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G. NolPros _____

H. Arraignment _____

I. Trial Continued _____

J. Trial Postponed _____

K. Bail Hearing _____

L. Defendant Released From This Case Only.
Release In Transit.

SUZANNE MENSCH, CLERK

Per _____

Deputy Clerk

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. **Kenneth ftowd Qj*ns**Case No. **86CR2A57****I.D. NO, 153144**State of Maryland, Baltimore County to wit: **Ti.O.h. Fe-bruorM 12. 19&2**

TO: i.in i-(;l>T,, Md Ki-iv of forr. • Irons. Unit
550 F Madison St
Flb)t.4 more*J Ml ?J?02

You are hereby **COMMANHFJi TO IIA¹UE** before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **on** September 13* 1989 at
07:15 A.M. the hod-j of Ken. **o<ni t)w*n3 I OR POST CONVICTION**

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **AuauM- 79, 1989**

Suzanne Meimsh
SUZANhfE MEIMSH
Clerk, Circuit Court for Baltimore County

Per

Deputy

WYUILL arxxtY. m

Chief Deputy CM
494-2616

SKKL CYAULHSVKIHGOL

Chief Arranger
«M-WFI

WIUIAML ALUN

Asst. Chief Deputy
494-2616

JAMES W. PCMESTW

AM Ch***"
4M.M1

KVINO. «OLL

Chief Liaison Department
494-2607

KXETH G. SIB1SIU

4M-XI)

WILLIAM H. FOSTE*

4M-MM



OFFICES OF THE CLERK OF THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

County Courts Building
401 Bosky Avenue, Towson, Maryland 21204

SUZANNE MENSCH

Clerk of Court
(301) 494-2601

AUGUST 23, 1989

RJOtAADJ. NOPFENBERGER

UMZA.N. WLUF

Chief Criminal Department
494-2625

MARY LEE WMU>

Chief Trial & Adoptions Department
494-2609

MAJUECSMmi

Appeals & Certifications Department
494-2600

JoANN ADAMS

Commissioner
CM4 Assignment Department
494-2600

JOANMAHIEH

Commissioner
Criminal Assignments Department
494-2694

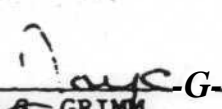
TO: HON. JAMES T. SMITH
RE: 86-CR-2657 - ^TATE V. KENNETH OWENS

TRIAL DATE: WEDNESDAY, SEPTEMBER 13, 1989 AT 9:30 A.M.

1 HOUR PER C. CHANCE

The above named post conviction will be on your assignment on the given trial date. If for some reason it is not heard on the above date, please reschedule and advise Criminal Assignment.

Thank you.


JOYCE S. GRIMM

Director, Central Assignment

cc: Joan Mather,
Criminal Assignment
Criminal Desk

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSCH, CLERK
 COUNTY COURTS BUILDING
 401 BOSLEY AVENUE
 P.O. BOX 6754
 TOWSON, MARYLAND 21285-6754

Case Number 86cr2657Ken Owens

() Civil

(x) Criminal

Vs.

Maryland

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Michael McCampbell, 500 Virginia Ave., Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: (x) Personally appear; () Produce documents and or objects only
 () Personally appear and produce documents or objects;

at Circuit Court for Baltimore County

(Place where attendance is required)

Thursday the 9 day of November, 19 89, at 11:55 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by () Plaintiff; (X) Defendant; and any questions should be referred to:

State's Attorney for R_3u^h_n County 887-6666

(Name of Party or Attorney, Address and Phone Number)

Date Issued _____

CLERK

Signature & Seal

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFFS RETURN

()—Served and copy delivered on date indicated below.

()—Unserved, by reason of _____

Date: _____ Fee: \$ _____

SHERIFF

Original and one copy needed for each witness

* jnlSD SEP 1 81389

59



Sm

The (Utrcuti (Eouri for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JAMES T. SMITH, JR.
JUDGE

COUNTY COURTS BUILDING
TOWSON, MD. 21204
13011 494-2620

September 19, 1989

RE: State of Maryland v. Kenneth Owens ✓
CASE NO: 86-CR-265? ✓
HEARING FOR: Post Conviction ✓
DATE, TIME and PLACE: Thursday, November 9, 1989 at 9:30 a.m. in Ctrm#3 ✓
COMMENTS: This case was originally scheduled for September 13th, **but** has been postponed to the above November date. ✓

IF THE ABOVE DATE IS NOT AGREEABLE TO ANY PARTY, PLEASE CONTACT MY OFFICE TO RESCHEDULE THE ABOVE HEARING. IF THE POSTPONEMENT REQUEST IS GRANTED, IT WILL BE UP TO COUNSEL REQUESTING THE POSTPONEMENT TO NOTIFY ALL PARTIES OF THE CHANGE, WITH A COPY OF "THE CONFIRMING NOTICE BEING SENT TO MY CHAMBERS.

TO: CRIMINAL/CENTRAL ASSIGNMENT OFFICE: please issue writ to:

^D.O.C. - D.O.B. is 2/12/62

Kim Deitrich, Esq., State's Attorney's Office, Towson, Md. 21204
Carolyn Simonson, Esq., .500 Virginia Ave., Towson, Md. 21204

Deitrich

SHIKLET A ttWWWO



MCMAROI-NOFFENBERGER
Chf*ry Department
494-2614

UHEE A. N. MUUF

fft-Mtt

MAKYLEEWM)

Chf Trust & Adoptions Department
494-2680

MAMKE. SMITH

Ouf

Chf Trust & Adoptions Department
494-2680

JoANNADAMS

Commissioner

Chf Assignment Department
494-2680

K5ANMATHE*

Commissioner

Criminal Assignment Department
494-2694

OFFICES OF THE CLERK OF THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

County Courts BuiWini
401 Bosley *enic. Towsoo, Maryland 21204

SUZANNE MENSCH

CU* tf Court
(301)494-2601

AUGUST 23, 1989

TO: HON. JAMES T. SMITH

- POST CONVICTION

RE: 86-CR-2657 - STATE V. KENNETH OWENS

Both sides
Request
ppd.

WEDNESDAY, SEPTEMBER 13, 1989 AT 9:30 A.M.
TRIAL DATE: _____

1 HOUR PER C. CH3\NCg

PD - Carolyn Simmons

The above named post conviction will be on your assignment on the given trial date. If for some reason it is not heard on the above date, please reschedule and advise Criminal Assignment.

Thank you.

2/2/62

Director,; Centralsignment

cc: Joan Mather,
Criminal Assignment

Criminal Desk

Mc Campbell
J
Doe

WRIT OF HABEAS CORPUS

C; JIT COURT FOR BALTIMORE COUN"

State of Maryland vs. Kenneth **Boyd** Owens

Case No. 86CR2657

I.D. NO. 183144

State of Maryland, Baltimore County to wit: D.O.fc. February 12, 1962

TO: Harden; Md. Div. of Corr.TM Trans. Unit
550 E Madison 3t
Baltimore, MD 21202

You are hereby **COMMANDED** TO *HMt* before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on November 9, 1989 at
09:30 A.M. the body of Kenneth Boyd Owens FOR POST CONVICTION

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: September 21, 1989



Suzanne Mensh
SUZANNE MENSCH

Clerk, Circuit Court for Baltimore County

Per *[Signature]*

Deputy

STATE OF MARYLAND



HARRY HUGHES
GOVERNOR

OFFICE OF THE PUBLIC DEFENDER

500 VIRGINIA AVENUE
TOWSON, MARYLAND 21204
TELEPHONE: (301) S21-3727

ALAN HAMILTON MURRELL
PUBLIC DEFENDER

ALFRED J. O'FERRALL, MI
DEPUTY PUBLIC DEFENDER

THOMAS J. SAUNDERS
PUBLIC DEFENDER FOR
BALTIMORE COUNTY

August 29, 1986

Kenneth Owens #183144
M.R.D.C.C.
550 E. Madison Street

Baltimore, Maryland 21202

RE: Case # 86 CR 2657

Dear Mr. Owens:

I am writing in respect to your letter dated August 20, 1986. The address of the Baltimore County Police Department is, 400 Kenilworth Drive, Towson, Maryland 21204. You need to write to the Police Department in care of their property section regarding your clothes. You need to refer to Case # 86 CR 2657 and request that they release your property to you. You may need to have someone pick them up personally, I don't know the answer to that.

Enclosed is a copy of the Motion for Modification which I have filed on your behalf. The procedure is that the Judge will determine, once he gets this Motion, whether or not to grant you a hearing, he may deny the Motion without giving you a hearing. In the event that he grants a hearing we will be permitted to present a case to justify a Modification of Sentence.

I will notify you Of any response I get from the Judge regarding this Motion. In the meantime, get your act together and try to get into as many programs as possible and at the same time, stay out of trouble.

V&ICY, truly yours

A handwritten signature in dark ink, appearing to read "Michael Z. McCampbell".

Michael Z. McCampbell
Asst. Public Defender

Petitioners # 2

IN THE CIRCUIT COURT FOR BALTIMORE Co.
AT TOWSON, MD.

STATE OF MARYLAND

V.

KENNETH BOYD OWENS

CR. NO. 86-CR-2657

TRIAL DATE 9 Nov. '89

APPEARANCE

To the Clerk:

Please enter the appearance of LOUIS BRENDAN CURRAN
(Name)
INMATE SERVICES DIVISION / 201 St. Paul Place
OFFICE OF THE PUBLIC DEFENDER / Baltimore MD 21202
(Address)

as attorney for the above captioned defendant.

OFFICE OF THE PUBLIC DEFENDER

I HEREBY certify on this 9th day of November
19 89, copy of this Appearance was mailed to the State's Attorney's
Office.

hag
***Assistant Public Defender

(above)
Address

feo0 333. 4880
Telephone



The (Circuit ffiouri iar JSaltimort Ctountj

THIRD JUDICIAL CIRCUIT OF MARYLAND

JAMES T. SMITH, JR.
JUDGE

COUNTY COURTS BUILDING
TOWSON, MD. 21204
13011 494-2620

September 19, 1989

RE: State of Maryland v. Kenneth Owens

CASE NO: 86-CR-2657

HEARING FOR: Post Conviction

DATE, TIME
and PLACE: Thursday, November 9, 1989 at 9:30 a.m. in Ctrm#3

COMMENTS: This case was originally scheduled for September 13th, but has been postponed to the above November date.

IF THE ABOVE DATE IS NOT AGREEABLE TO ANY PARTY, PLEASE CONTACT MY OFFICE TO RESCHEDULE THE ABOVE HEARING. IF THE POSTPONEMENT REQUEST IS GRANTED, IT WILL BE UP TO COUNSEL REQUESTING THE POSTPONEMENT TO NOTIFY ALL PARTIES OF THE CHANGE, WITH A COPY OF THE CONFIRMING NOTICE BEING SENT TO MY CHAMBERS.

TO: CRIMINAL/CENTRAL ASSIGNMENT OFFICE: Please issue writ to:

D.O.C. - D.O.B. is 2/12/62

Kim Deitrich, Esq., State's Attorney's Office, Towson, Md. 21204
Carolyn Simonson, Esq., 500 Virginia Ave., Towson, Md. 21204

COURT CLERK'S WORK SHEET

TRIAL DATE 11/10/00 Judge Smith

Kim Dietrick
STATE'S ATTORNEY

Louis Curran
G. Simonson
DEFENDANT'S ATTORNEY

T. Greaver
COURT REPORTER

B. Hall
CLERK

CASE # 8662657 NAME AJ SJJ Smith, Kenneth

CHARGE Post Conviction Relief Petition

TRIAL PLEA
COURT JURY GUILTY NOT GUILTY NOLO CONTENDERS

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED

OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED

OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE XCOSTS
Department of Correction				
Bait Co. Detention Center				

REMARKS End Petitioners' case Stater Motion to Dismiss: DENIED

Petition for Post Conviction Relief: DENIED
ORDER + ORDER to be filed
Defet remanded to the Department of Correction

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

CIRCUIT COURT FOR BALTIMORE COUNTY

Towson, Maryland 21204

District Court Case No. _____

Case No. 86CR 2657_____/_____/_____, 19. 89REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner Kenneth OwensDate Of Trial 11/9, 19 89 Judge SmithCharge Aggrav I-t Guilty _____ NOT GUILTY _____

DISPOSITION:

A. ☒ Sentenced To Department Of Correction _____
Length Of Sentence _____B. Sentenced To Baltimore County Detention Center _____
Length Of Sentence _____C. Remanded To Baltimore County Detention Center _____
Probation Report Of Psychiatric Evaluation _____D. Placed On Probation _____
Length Of Probation _____

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G. Nol Pros _____

H. Arraignment _____

I. Trial Continued - _____

J. Trial Postponed _____

K. Bail Hearing _____

L. Defendant Released From This Case Only.
Release In Transit.

SUZANNE MENSCH, CLERK

Per [Signature]
Deputy Clerk

Case K10?*" 86CR-2657.

Kenneth Owens #183144
M. R. D. C. C.

550 E. Madison St
Baltimore, Maryland, 21202

Mr. Michael L. McCampbell
office of **AW** public defender

500 VJJVJCLJLTTOJCL f\U nne

Towson, Maryland, 21204.



August 20, 1986.

Dear Mr. McCampbell,

Sir, I'm writing
this letter in regards of what happen^o to
me in court on Aug^u st 19, 1986.

I really can't
believe what happen. I understand and feel
you still d&msL a ~~bad~~^x job. I just hope you will
be able to get a reduction of sentence
for me.

Can you let me know what you
are plaining to do for me, and what you
are going to file into court for me.

I was
too upset to understand what you was
saying to me.

I Would like to ask you if
you Can give me the address I can write too
in order to get my clothes.
v

Please let me hear from you as to what

o o o
Thank you for your attention
in this matter. I hope to receive a reply
from you soon.

Respectfully
Kenneth Owens

Kenneth Owens #183144

83144
j
mens
Q*
IP
3 Maryland. 21202.



Mr. Michael L. McCampbell
Sr. Assistant Public Defender
500 Virginia Avenue
Towson, Maryland. 21204.

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P R O C E E D I N G S(E X C E R P T)

THE COURT: All right. The Court has considered the testimony, and I have reviewed the exhibits and listened to the excerpts that have been referred to from the transcript, and I have considered the argument of counsel, and with respect to the complaints, that the Petitioner has regarding the free and voluntary nature of his guilty plea, he makes two contentions, the first being that he was told that substantial time, by his attorney, meant eight to ten years, and that is what the State's Attorney would be arguing for in connection with the disposition in his case.

The Court further finds as a fact that that is not true, that the Petitioner, who was then the Defendant, was not told that a substantial time meant eight to ten years.

The Court finds further as a fact that the Petitioner was advised that the State would argue for a substantial period of time, the guidelines in the case were 20 to 30 years, and it was on that basis that the Petitioner entered his guilty plea.

I am so persuaded by the circumstance of, number one, it makes no sense for a guideline case of 20

1 to 30 years for Mr. McCampbell to have ever said
2 substantial was eight to ten years. That makes no sense.

3 But most importantly, and although Mr.
4 McCampbell does not contradict the testimony of the
5 Petitioner in this case, because he says he has no
6 independent recollection, it is not typical of his
7 response to questions regarding substantial time, but he
8 has not contradicted the testimony of the Petitioner.

9 I just don't believe the testimony of the
10 Petitioner, and I don't believe it because it doesn't
11 make sense, number one, and number two, because the
12 letter to Mr. McCampbell of August 20th, 1986, the day
13 after, makes no mention whatsoever that the Petitioner
14 did not get the specific deal to which he pled guilty,
15 and in fact, it commends Mr. McCampbell for the job he
16 did, but can't we get a reduction in the sentence, not
17 can't we get the eight to ten years I was promised or
18 anything in any way alluding to the eight to ten years.

19 So I find as a fact that that did not occur.
20 As a result of it not occurring, it certainly is not a
21 basis for setting aside a plea, because the complaint is
22 based upon the Petitioner's contention that that is what
23 was told to him, and I find that was not told to him. So
24 on that basis, the Petitioner's request for post
25 conviction relief is denied.

1 With respect to the second prong of his
2 attack on his plea, he alleges that the cases were not
3 nol prossed, which he was told in connection with the
4 plea agreement would be nol prossed, I find as a fact
5 that the Baltimore County Circuit Court cases were nol
6 prossed. There is no testimony to contradict that.

7 I don't understand the Petitioner's testimony
8 with respect to a district court case of Judge Resnick's,
9 which appeared before Judge Buchanan, since Judge Resnick
10 is a Baltimore City judge and Judge Buchanan is a
11 Baltimore County judge.

12 But in any event, there is no testimony
13 supporting the contention of the Petitioner that nol
14 prosses were, in fact, not entered pursuant to the
15 agreement with the State.

16 With respect to the third contention to which
17 the Petitioner claims he is entitled to post conviction
18 relief, I find that, in response to the Petitioner's
19 letter of August 20th, Mr. McCampbell filed a motion for
20 modification. The fact that the motion for modification
21 is very general in no way indicates ineffective
22 assistance of counsel.

23 As the testimony has been made clear and is
24 uncontradicted, Mr. McCampbell made his pitch for
25 mitigation at the time of disposition, where he attempted


1 to have Judge Buchanan suspend part of the 20 years that
2 he imposed in this case.

3 There has been no testimony that there was
4 any other information available to Mr. McCampbell at the
5 time that he filed the motion for modification and the
6 circumstance that an incarcerated defendant may do well
7 in the future doesn't really relate to material that is
8 available at the time of disposition, and there is no
9 requirement of the Court to hold a motion for
10 modification pending for a period of time to pass for the
11 accumulation of such positive credits, if you will, to
12 accrue to a defendant or petitioner as in this case.

13 Certainly there is no ineffective assistance
14 of counsel demonstrated to this Court with respect to Mr.
15 McCampbell's filing the motion for modification in
16 response to the Petitioner's request that he do so, and
17 the Petitioner is not entitled to post conviction relief
18 on that account.

19 For all of those reasons, based upon the
20 factual findings that the Court has indicated in this
21 oral opinion, which will be typed up and signed by the
22 Court in this case, the petition for post conviction
23 relief is denied.

24 (Excerpt concluded.)

25

Judg/James Smith

1 PROCEEDINGS

2 (The defendant was present.)

3 MR. McCAMPBELL: For the record, Michael McCampbell
4 representing Mr. Owens. Mr. Owens is present in court.

5 Your Honor, there have been plea negotiations. My
6 client is charged with several counts of forgery, violation
7 of an ex parte order and assault with intent to murder. It
8 is my understanding we are going to enter a plea of guilty to
9 the assault with intent to murder. The State is going to nol
10 pros the balance of the counts against my client and in other
11 cases as well on the acceptance of that guilty plea. The
12 State is going to submit the guidelines and argue for, I
13 believe, substantial time, and we will argue for less time as
14 is appropriate. - . ;

15 - THE COURT: How old are you/- Mr. Owens?

16 THE DEFENDANT: Twenty-four years of age.

17 - THE COURT: How much education have you had?

18 THE DEFENDANT: High school diploma.

19 THE COURT: You are not now under the influence of
20 alcohol, drugs, or anything of that nature, are you?
»

21 THE DEFENDANT: No, sir.

22 THE COURT: You are not under the care of a
23 psychologist or psychiatrist, are you?

24 THE DEFENDANT: No, sir.

25 THE COURT: Do you understand the maximum penalty

1 could be up to thirty years?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you understand that when you enter
4 a plea of guilty to this first count, that you are waiving
5 your right, to have this case tried before a jury?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you know what a jury is?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: What is it?

10 THE DEFENDANT: A member of twelve to decide my
11 guilt or innocence.

12 THE COURT: That's correct, but it's a little bit
13 more to it than that. It's twelve citizens who would come
14 from the voters lists of Baltimore County, and you would
15 have a right to participate in the* selection of those twelve
16 citizens, and once they were selected, and heard your case,
17 they would have to be convinced beyond a reasonable doubt
18 and to a moral certainty in order to find you guilty. That
19 same rule would apply to a judge in a court trial, that is
20 a trial without a jury, the only real difference is in a jury
21 trial they all would have to agree on the verdict, their
22 verdict would have to be unanimous, that is what you are
23 waiving. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you also understand when you enter a

I
i
1 plea of guilty you are not requiring the State to produce any
2 witnesses, nobody is going to take the witness stand here
3 today, you are giving up the right to be confronted with the
4 witnesses and cross-examine, and present witnesses in your
5 own behalf.

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you understand that a guilty plea is
9 the highest form of self-incrimination, you are saying, "I
10 did it," in a way you are speaking. Because during the course
11 of a trial you would have a right to testify in your own
12 behalf or you would have a right not to testify, what we
13 refer to as remain silent. If you chose to remain silent,
14 and it was a jury trial, I would instruct the jury they could
15 not infer or say in any way that you were guilty because you
16 did not take the stand in your own defense.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand you waive any techni-
20 cal defense you might have when you plead guilty that you were
21 searched illegally, something was seized from you illegally, or
22 that your arrest was illegal?

23 THE DEFENDANT: Yes, sir.

j
24 THE COURT: Do you understand if you are now on
25 probation or parole for anything, a guilty plea could violate

1 1.

1 that probation or parole?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you also understand that on a guilty
4 plea you can no longer automatically file an appeal to the
5 Court of Special Appeals, you now have to make application for
6 leave to appeal, and in that application you usually allege
7 the court didn't have jurisdiction, I. assure you if this
8 occurred in Baltimore County the court does have jurisdiction;
9 or any sentence I would impose upon you would be illegal; or
10 you voluntarily did not enter the plea here today; or that
11 your counsel made some legal errors, what we refer to as
12 competency of counsel.

13 Are you satisfied with the services of your lawyer,
14 Mr. McCampbell?

15 THE DEFENDANT: Yes, sir, very much.

16 THE COURT: Other than possible plea bargaining
17 between you and the State, has anyone made any promises, threat
18 or inducements to persuade you to enter a plea of guilty?

19 THE DEFENDANT: No, sir.

20 THE COURT: This is your own freewill, right?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I think he knowingly, voluntarily and
23 intelligently enters the plea.

24 Anything else to add?

25 MR. VicCAMPBELL: I have nothing further.

1 MR. EIDELBERG: Your Honor, the State would offer the
2 following statement in support of the defendant's guilty plea
3 in this case.

4 Your Honor, on the 23rd of March, 1986, at
5 approximately 2:30 in the afternoon, the victim in this case,
6 Mrs. Diana Owens -- would you stand up for a moment -- Ms. Owens
7 was leaving Whitey and Dot's crab house at 1110 Beech Drive in
8 Baltimore County in the company of a friend. While standing
9 outside of that location the defendant, seated at trial table
10 today, who is the victim's estranged husband, confronted
11 Ms. Owens, and produced a three and a half inch lock blade
12 knife. The defendant then pushed his wife up against a car,
13 and stabbed her four times in the chest, stomach, side and
14 back. After the third strike the victim, if called to testify,
15 would state that she screamed, "You stabbed me." Then the
16 defendant replied, "I'll kill you, you bitch," before stabbing
17 her the fourth time in the back. At that time Mrs. Owens did
18 not threaten the defendant with force at anytime, and the
19 attack was unprovoked and unjustified at that time.

20 A witness, David Cummings, would testify if called
21 to the stand that he saw the defendant throw Mrs. Owens up
22 against the car and strike her repeatedly. He would then
23 testify he heard Mrs. Owens scream, "You just stabbed me."
24 As Mr. Cummings ran toward the scene to help the victim, the
25 defendant fled on foot, and was chased on foot by Mr. Cummings

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1 and two additional witness, Michael Shrieber and Stephen
2 Cooper. The chase; took place through the neighborhood, where
3 the defendant was ultimately surrounded by these men in a yard.

4 At that time the defendant brandished the knife at
5 the men, and was temporarily aided by the owner of the home,
6 who was told by the defendant the witnesses were attacking him.

7 The defendant put the knife back in his pocket, fled
8 a short distance, threw the knife into a drainage sewer at
9 1612 Butternut Drive. The defendant was arrested by Officer
10 Handshoe of the Baltimore County Police Department at the scene
11 and Officer Greenlow.

12 While the pursuit was taking place for three to five
13 minutes,. Mrs. Owens had gone back into the restaurant, where
14 she became faint due to the loss of **blood** sustained from her
15 injuries. Witnesses at the scene **would** testify that Mrs. Owens
16 was bleeding from wounds to her chest,-, side and back.

17 Mrs. Owens was then transported by Medivac helicopter
18 to the University of Maryland Shock Trauma, where she was
19 listed in critical but stable condition. She received treat-
20 ment, and remained hospitalized for two weeks after this
21 attack. - > . . . • r • • - , - •

22 On March 21st, which was two days before this attack,
23 Mrs. Owens had requested, and received an ex parte order signed
24 by Judge Kardash on the 21st, ordering the defendant to
25 refrain from abusing the victim and any household members, and

1 vacate the family home on March 22nd.

2 On March 22nd, Mrs. Owens discovered her apartment
3 was ransacked, and a knife, which she would identify as the same
4 was
knife used to stab her by the defendant, /missing from the home.
5 It was her knife, and it had been removed from a case which she
6 had and --

7 THE COURT: What kind of knife was it?

8 MR. ELDELBERG: It was 'a three and a half inch
9 blade knife, Your Honor. Upon being stopped by Officer Handshoe,
10 the defendant, without questioning, denied stabbing his wife.

11 Then, on the 24th of March the defendant was inter-
12 viewed by Officers Iser and Miller of the Baltimore County Polic
13 Department. The defendant waived his right to an attorney, and
14 gave a written statement. At that time the defendant admitted
15 hitting his wife in the head, and then stabbing her. His
16 justification was because she was seeing men behind his back.

17 Your Honor, that would be the Statement of Facts
18 in support of the defendant's guilty plea in this case.

19 MR. MC CAMPBELL: There would be one slight addition,
20 and that would be that at the time of the stabbing, that the
21 victim was being escorted by a male, not her husband, Mr. Joseph
22 Agnew, otherwise known as Mr. Ryan, and that at the time the
23 incident took place she was still-legally married to my client.
24 Other than that --

25 THE COURT: Was he living under the same roof at the

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1 time he moved out?

2 MR. MC CAMPBELL: There was an order in effect.

3 MR. EIDELBERG: There was an order in effect.

4 However, on the day after the order was signed the defendant
5 ransacked the apartment, and that was when he removed the
6 knife used to stab his wife.

7 THE COURT: Any other additions or corrections?

8 MR. MC CAMPBELL: That' would be all, Your Honor. No
9 further additions or deletions. I would make a motion, and
10 submit.

11 THE COURT: Overruled. On that statement of facts
12 the verdict will be guilty to the first count.

13 What are the guidelines on it? Do you have any
14 criminal record on him?

15 MR. EIDELBERG: -Yes, Your Honor. The record will
16 show that the defendant has previousl-y been convicted of two
17 counts of arson, and also been convicted of a forgery, he has
18 been convicted of another uttering charge, and finally,
19 convicted of escape in 1984. I have shown the record to
20 counsel.

21 *

22 THE COURT: I will hear from you and your client,
23 too.

24 MR. MC CAMPBELL: I expected you would hear from both
25 of us. Your Honor, I would like to give you a brief background
You have heard the statistics on my client. You have his

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1 record. He is only, not an old man, about 24 years old.
2 Limited education. Was brought up in Florida, where his
3 mother and father were both alcoholics. His father died back
4 in 1983. He has one living relative, a sister. His mother's
5 whereabouts are unknown, he was raised in a foster home.

6 To get right to the point. What happened was, in
7 Florida my client was incarcerated, doing time for forgery,
8 where he met the father of the victim. The father of the
9 victim was incarcerated in Florida with my client. The father
10 of the victim was doing time for .homicide I believe.

11 The father of the victim and my client became
12 friendly, basically the father of the victim was, as I
13 understand, somewhat unable to communicate, slightly illiterate
14 and needed my client to help him write letters and communicate
15 with his daughter. •• t • * • • • •

16 What eventually happened was", that along about last
17 year the father, who turned out to be his father-in-law, was
18 released in Florida, and came north to Baltimore. My client
19 was released from jail September 1st in Florida, and he came
20 up to meet, to join the father, whom he had met in prison, and
21 at that time got together with the victim. One week later
22 they were married, and I believe that that was the only
23 personal contact that they had had, was during that week.

24 Shortly after they were married it came to my
25 client's attention, and he tells me that he discovered that

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1 his now wife had been married a couple of times before, had a
2 couple of kids, which he didn't know about, and that men kept
3 coming to the door asking for who was now his wife, and that
4 she was essentially running around on him, having affairs,
5 and so forth. People would come to the door, and ask for her.

6 He is charged with, among others, one of the counts
7 the State is going to nol pros, forgery. My client advises me
8 that his wife participated in that forgery, and that there were
9 some checks stolen from a place that he used to work, and
10 that the actual checks were made out by the wife, and he took
11 them, and cashed them, and she received half the money or the
12 major portion of the money.

13 Moving right along to the date in question.
14 Obviously this marriage was not made in heaven, had a very
15 rocky beginning, a very shaky middle part and a very violent
16 ending. Back in March when this occurred on one day there
17 was an ex parte order signed by Judge Xardash keeping him out
18 of the house. The very next day he was charged with malicious
19 destruction, in that, if you believe the police report, he
20 went back into that same apartment that he had been removed
21 the . . .
22 from by judge, and caused considerable damage. There was an
23 exchange between husband and wife at that time, cross-allegations,
24 and so forth.

25 The following morning, in a statement that he gave
to the police, he knew that -- he saw that this gentleman, who

1 was ultimately with his wife when the stabbing occurred, was
2 moving his clothes into his apartment. And he watched. And
3 eventually they came out of the apartment. He followed them
4 over to this club or restaurant, where apparently they were
5 going to make a phone call. There was a confrontsion. The
6 boyfriend took off, and he ended up stabbing his wife.

7 Certainly I am not going to stand here, Your Honor,
8 and tell you that that kind of activity or that kind of an
9 action is justified, because it certainly is not. You cannot
10 run around stabbing people and trying to kill them, which is
11 what happened here. We have pled guilty to that -- stand up,
12 Mr. Owens -- but what you have to take into consideration,
13 I believe, is his background, the fact how he arrived in this
14 situation that he is in.

15 You have a person who came up here and met this
16 person who was the daughter of probably the only person in
17 prison who would tat to him. After one week they get
18 married, and he finds himself in this situation. And he is
19 not a mental giant, he can't reason these things out, as to
20 what is the best way. He feels that he has been put upon,
21 and so he ibught back the only way he knew how to, attack, and
22 that is exactly what he did.

23 Certainly he should be punished for this, he should
24 be taken off the streets because that kind of an activity cannot
25 be tolerated by society. The question then becomes, is this

1 a guideline case? And I submit to Your Honor that it is not
2 a guideline case. The guidelines in this case are 20 to 35
3 years, the maximum you can give him is 30 years statutorily.

4 Now, I would submit to you that it is the kind of a
5 case that sometime, a considerable period of time should be
6 hung over his head, and he should do some time, no question.

7 But what should happen, and I submit-to you, is that you should

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9 sentence him within the guidelines, and then I would ask that
10 you suspend the vast majority of that time. Put him in jail,
11 incarcerate him, get him off the-street, punish him for what
12 he has done, but I don't think that he should be sentenced as
13 harshly as the guidelines reflect, because the guidelines do
14 not take into consideration the emotional aspects of this case.

15 If you look at the guidelines there is a nice ^little
16 handy block on there for victimvulnerability, things that are
17 particular to the victim, but there is nothing on there that
18 says anything about the defendant'svulnerability. And I think
19 you've got a case, if this were civil court, where I would be
20 arguing you have to come into court with clean hands under
21 the doctrine of equity. "Here we are talking .about a domestic
22 situation that got out of hand, we are not talking about an
23 attack on a stranger or a situation where he has gone into
24 someone's house, laid in wait for them, and when they came
25 home from the airport, shot them, stabbed them, whatever. We
are talking about a situation that came to a head as a result

1 of an intense emotional involvement, partly because of his
2 immaturity, partly because of her promiscuity; those are two
3 volatile items, it's like mixing gasoline and water.

4 You've got a person who is extremely needy,
5 psychologically dependent upon people caring for him^ and
6 then you've got promiscuity on the other side. It's like
7 running around, playing with nitroglycerine, something has
8 got to happen, and something obviously did happen, and it
9 culminated unfortunately in an attempt or an assault with
10 intent. Fortunately nobody was killed, which could have
11 happened. I would ask that the court consider all of these
12 factors, consider the broad scope of everything that is
13 involved here.

14 Now I think that the State ifi-going-to bring on the
15 victim in this case, his estranged^rife. And I believe the
16 divorce has been filed for, and so forth. She is going to
17 talk about how she is fearful. I would be afraid too. But
18 at the same time, Your Honor, you have to consider that, again
19 relating it to civil law, and equitable law, there is a little
20 bit of an assumption of risk here. . . . *

21 Now, Mr. Owens, you have 'heard me talk to the judge
22 and you have heard me explain some of your background. We
23 are not going to go into your total life story here. You and
24 I have had many, many discussions about why we are here and
25 what possibly could happen. And you know we have entered a

1 guilty plea, and you have never denied you are involved,
2 other than to the police, and that is a matter of information,
3 and you eventually made a statement anyway. And you are here,
4 as you know, and you have thrown yourself essentially on the
5 mercy of the court. You have the absolute right to address
6 the court, and tell His Honor, Judge Buchanan, anything that
7 you think the judge should know or needs to know prior to his
8 sentencing you, and that is all -that is left to do, is to pass
9 sentence on you.

10 Is there anything that you can add to what I have
11 already told the judge that you think he needs to know, you
12 don't have to do that, you can allow me to speak for you, but
13 you do have that right. If you would like at this point,
14 this is your opportunity to add anything that you would like
15 to what I have already told the court. Is there anything you
16 wish to say at this point?

17 THE DEFENDANT: Yes, "sir, I would. During the time
18 I was detained at the Baltimore County Detention Center for
19 this charge of assault with intent to murder, a witness,
20 Stephen Cooper, who was there-at the scene when this act
21 happened, was so-called, he says, locked up for violation of
22 probation. During that time he was put on the same lock-in
23 cell as I was. We had a conversation, in which he told me
24 that Diana came to him and his girlfriend, and asked them to
25 help her to violate my ex parte order. When the ex parte orde:

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1 was served on me, I left the house, okay. I asked the police
2 officer if I would be allowed to speak with her, and he said,
3 yes, only if I didn't come back into the home, which was for
4 a period of five days, okay.

5 I left, and I came back that next day, andjny ex-
6 wife was on the balcony with Joe Ryan, or his name is Joe
7 Agnew, otherwise known as Joe Ryan. They started kissing and
8 hugging and squeezing each other's buttocks I guess you could
9 say. That kind of had my mind pretty well put a mental
10 distress on. I asked for the remainder of my clothes that she
11 had in the house. She wouldn't give them to me, so I left,
12 and went to the phone to make a phone call, to call Florida,
13 to try to get some help, to have someone help me get some money
14 up to go back to Florida. At that time I couldn't get a hold
15 of no one, so I went back to try one more time, to try to get
16 my clothes.

17 When I went back my ex-wife and Joe Ryan was going
18 to White.?, and Dot's. So I decided to take it upon myself to
19 go over and talk with them, see if she was going to give me my
20 clothes or not. When I approached them they panicked and I
21 panicked. Mr. Ryan grabbedMfs-w Owens, and threwed her into
22 me, and took off running. At that time Mrs. Owens grabbed
23 my hair, and slapped me. And due to the mental distress that
24 was already on me, I guess I kind of went off, I panicked when
25 the people started yelling at me, and that's why I fled the

1 scene.

2 MR. MC CAMPBELL: Had you been drinking?

3 THE DEFENDANT: Yes, I had.

4 MR. MC CAMPBELL: What were you drinking?

5 THE DEFENDANT: I had been drinking Budweiser.

6 MR. MC CAMPBELL: How many had you had that day?

7 THE DEFENDANT: Maybe a couple of six-packs.

8 MR. MC CAMPBELL: Had you been using any drugs?

9 THE DEFENDANT: I was taking some Valium, I took
10 maybe four or five of them a friend gave to me due to the
11 mental distress.

12 MR. MC CAMPBELL: But you still knew what you were
13 doing? Did you know what was going on that day?

14 THE DEFENDANT: -Half and half, yes. * "S :

15 MR. MC CAMPBELL: 'Is there' anything else you wish
16 to tell the judge? . . . " . . .

17 THE DEFENDANT: No." ».. enyout

18 THE COURT: Let me -see the "guidelines in the "case.

19 MR. EIDELBERG: The guidelines are 20 to 30 years.
20 I had a copy in chambers, and I'm not certain i/ I left it
21 with you. • . . .

22 If I can be heard briefly.

23 THE COURT: Go ahead, but briefly please.

24 MR. EIDELBERG: I am aware of the court's time.
25 Your Honor, usually I don't have trouble talking in court,

1 doing what I do every day, but I am almost tongue-tied when
2 it's suggested to this court that the victim in this case,
3 who was stabbed repeatedly, four times, and was listed in
4 critical condition, is in some way guilty or in some way
5 justified anything that the defendant did. It's just
6 unbelievable.

7 Your Honor, this was a man that lay in wait for a
8 woman who was coming out of a restaurant with a friend. Notice
9 that everything that the defendant told you in allocution,
10 it's not sworn testimony, it's just something that he tries to
11 do, shift responsibility for what he did. And defense counsel
12 tells you that you should sympathize with his plight because
13 of his background, a background that includes arson, a
14 background that includes forgery and dishonesty, a background
15 that includes escape from a penal institution. • ; ^

16 Your Honor, you have seen Diana Owens. She is no
17 threat to anyone in this case or anyone in our county. But
18 we have a man here who is laying in wait; pulls out a knife,
19 and stabs her repeatedly. 'This isn't a man who just acted
20 under an emotional impulse. You don't have any psychological
21 problem, there has been no evidence that he has any emotional
22 difficulties, any problems with drugs. This is a man who one
23 week after -writes a letter to his father-in-law. This is a
24 man that has such reckless disregard for what he did, one week
25 after he commits this brutal attack, he writes a letter to

1 the father of the victim -- and I have shown this letter to
2 counsel -- this is what the defendant said, referring to the
3 victim, "She'd better hope I never get my hands on her without
4 the law around, because if she thinks I fucked her up this
5 time, that's only half of what I'm going to do to her, because
6 I have in my mind that she'll pay for doing this to me, because
7 I'll go out one day, and I'll get her and whoever else she's
8 with, but this time I'll have my shit together, and a way
9 to get out of state."

10 This was written a week after, this was written
11 approximately a week and a day after this man, in total
12 disregard to an ex parte order, went back into his apartment,
13 and ransacked it. What difference does it really make who
14 was standing on the balcony? He has absolute total disregard
15 for the law, he doesn't care what Judge Kardash told him, he
16 went in, and decided to take a knife and to take the law into
17 his own hands. He is a threat, Your Honor. He has escaped
18 before. And he will continue to be a threat unless he is
19 sentenced to a substantial period of incarceration.

20 MR. MC CAMPBELL: Stand up.....

21 THE COURT: The guidelines are 20 to 30 on this case.

22 MR. MC CAMPBELL: That's correct.

23 THE COURT: Under the circumstances I will give him
24 the low end of the guidelines.. It will be 20 years to the
25 Department of Corrections.

1 MR. MC CAMPBELL: I would ask that the court suspend
2 part of that time.

3 THE COURT: Waive costs.

4 He has ten days to file a motion for new trial. He
5 also has to make an application for leave to appeal within
6 thirty days, everything to the court has to be in writing, on
7 those four areas of the law that I gave him. He also is
8 entitled to a request for a sentence review, that has to be
9 made within thirty days, that has to be made in writing. A
10 sentence review request would cause a three-judge panel to
11 convene, it would not include myself. The sentence review
12 panel can increase this sentence, they can also decrease it.
13 I also have the power to revise this sentence for a period
14 of ninety days. Everything to the court has to be made in
15 writing.

16 If you take an appeal to the Court of Special
17 Appeals or make application to appeal, you have to notify
18 Mr. Griffin to type up, within ten days of the order of appeal
19 to type up what was said here today.

20 MR. MC CAMPBELL: Your Honor, is there credit for
21 time served?

22 THE COURT: How much time?

23 MR. MC CAMPBELL: He has been locked up since the
24 day of this incident, 3/23/86.

25 THE COURT: From 3/23/86.

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IR. 'EIDELBERG':¹ The State; ^ll nol pros 'the-balanc^
of the counts in this case, and 2263 is no! prossed and 2155
is nol prossed. ; .

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TABLES V

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1 IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

2
3 STATE OF MARYLAND

4 vs.

Case No. 86-CR-2657

5 KENNETH BOYD OWENS

6 Defendant

7 _____ *J*

8
9 REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

10 November 10, 1989

11 Towson, Maryland

12
13 BEFORE:

14 THE HONORABLE JAMES SMITH, Judge

15
16 APPEARANCES:

17 On behalf of the State of Maryland:

18 KIM DETRICK, ESQ.

19 On behalf of the Defendant:

20 LOUIS CURRAN, ESQ.

21
22
23
24 Reported by:

25 A. M. Greaver

P R O C E E D I N G S

(E X C E R P T)

THE COURT: All right. The Court has considered the testimony, and I have reviewed the exhibits and listened to the excerpts that have been referred to from the transcript, and I have considered the argument of counsel, and with respect to the complaints, that the Petitioner has regarding the free and voluntary nature of his guilty plea, he makes two contentions, the first being that he was told that substantial time, by his attorney, meant eight to ten years, and that is what the State's Attorney would be arguing for in connection with the disposition in his case.

The Court further finds as a fact that that is not true, that the Petitioner, who was then the Defendant, was not told that a substantial time meant eight to ten years.

The Court finds further as a fact that the Petitioner was advised that the State would argue for a substantial period of time, the guidelines in the case were 20 to 30 years, and it was on that basis that the Petitioner entered his guilty plea.

I am so persuaded by the circumstance of, number one, it makes no sense for a guideline case of 20

1 to 30 years for Mr. McCampbell to have ever said
2 substantial was eight to ten years. That makes no sense.

3 But most importantly, and although Mr.
4 McCampbell does not contradict the testimony of the
5 Petitioner in this case, because he says he has no
6 independent recollection, it is not typical of his
7 response to questions regarding substantial time, but he
8 has not contradicted the testimony of the Petitioner.

9 I just don't believe the testimony of the
10 Petitioner, and I don't believe it because it doesn't
11 make sense, number one, and number two, because the
12 letter to Mr. McCampbell of August 20th, 1986, the day
13 after, makes no mention whatsoever that the Petitioner
14 did not get the specific deal to which he pled guilty,
15 and in fact, it commends Mr. McCampbell for the job he
16 did, but can't we get a reduction in the sentence, not
17 can't we get the eight to ten years I was promised or
18 anything in any way alluding to the eight to ten years.

19 So I find as a fact that that did not occur.
20 As a result of it not occurring, it certainly is not a
21 basis for setting aside a plea, because the complaint is
22 based upon the Petitioner's contention that that is what
23 was told to him, and I find that was not told to him. So
24 on that basis, the Petitioner's request for post
25 conviction relief is denied.

1 With respect to the second prong of his
2 attack on his plea, he alleges that the cases were not
3 nol prossed, which he was told in connection with the
4 plea agreement would be nol prossed, I find as a fact
5 that the Baltimore County Circuit Court cases were nol
6 prossed. There is no testimony to contradict that.

7 I don't understand the Petitioner's testimony
8 with respect to a district court case of Judge Resnick's,
9 which appeared before Judge Buchanan, since Judge Resnick
10 is a Baltimore City judge and Judge Buchanan is a
11 Baltimore County judge.

12 But in any event, there is no testimony
13 supporting the contention of the Petitioner that nol
14 prosses were, in fact, not entered pursuant to the
15 agreement with the State.

16 With respect to the third contention to which
17 the Petitioner claims he is entitled to post conviction
18 relief, I find that, in response to the Petitioner's
19 letter of August 20th, Mr. McCampbell filed a motion for
20 modification. The fact that the motion for modification
21 is very general in no way indicates ineffective
22 assistance of counsel.

23 As the testimony has been made clear and is
24 uncontradicted, Mr. McCampbell made his pitch for
25 mitigation at the time of disposition, where he attempted


1 to have Judge Buchanan suspend part of the 20 years that
2 he imposed in this case. .

3 There has been no testimony that there was
4 any other information available to Mr. McCampbell at the
5 time that he filed the motion for modification and the
6 circumstance that an incarcerated defendant may do well
7 in the future doesn't really relate to material that is
8 available at the time of disposition, and there is no
9 requirement of the Court to hold a motion for
10 modification pending for a period of time to pass for the
11 accumulation of such positive credits, if you will, to
12 accrue to a defendant or petitioner as in this case.

13 Certainly there is no ineffective assistance
14 of counsel demonstrated to this Court with respect to Mr.
15 McCampbell's filing the motion for modification in
16 response to the Petitioner's request that he do so, and
17 the Petitioner is not entitled to post conviction relief
18 on that account.

19 For all of those reasons, based upon the
20 factual findings that the Court has indicated in this
21 oral opinion, which will be typed up and signed by the
22 Court in this case, the petition for post conviction
23 relief is denied.

24 (Excerpt concluded.) /

25 
Judge James Smith

4/216
due 12-20-89

(Post-conviction)

APPLICATION FOR LEAVE TO APPEAL

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STATEMENT OF FACTS

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Applicant filed a petition for post conviction relief, pro SE, PURSUANT TO MARYLAND CODE, ART. 27, SECTIONS 645A, et seq., in the Circuit Court for Baltimore County on 15 June 1989. At the hearing before the Court (Smith, J.) on 9 November 1989, Applicant orally sought and was granted permission to orally amend his Petition, adding an allegation that he was denied effective assistance of counsel in the manner in which his trial attorney sought a modification or reduction of sentence. After taking testimony from both the Applicant and his trial attorney, and receiving other evidence, the Court denied all allegations in Applicant's amended petition for post conviction relief.

ASSIGNMENTS OF ERROR

- I. THE COURT ABUSED ITS DISCRETION BY BELIEVING THE QUALIFIED TESTIMONY OF APPLICANT'S TRIAL ATTORNEY MORE THAN IT BELIEVED THE UNQUALIFIED TESTIMONY OF THE APPLICANT.
- II. THE COURT ERRED IN FINDING THAT THE FILING OF A ONE-SENTENCE BOILERPLATE MOTION FOR MODIFICATION OR REDUCTION OF SENTENCE, TEN DAYS AFTER SENTENCING, WITHOUT MORE, DID NOT CONSTITUTE INEFFECTIVE ASSISTANCE OF COUNSEL.

ARGUMENT

- I. THE COURT ABUSED ITS DISCRETION BY BELIEVING THE QUALIFIED TESTIMONY OF APPLICANT'S TRIAL ATTORNEY MORE THAN IT BELIEVED THE UNQUALIFIED TESTIMONY OF THE APPLICANT.

At the 9 November 1989 post conviction hearing, the Applicant unequivocally testified that he was advised by his attorney that the State was seeking "substantial time", which the trial attorney reportedly defined, in response to

Applicant's question, as "8-10 years". Applicant's trial attorney conceded that it was possible that he had so advised the Applicant, but suggested that it was more likely that he had offered a personal opinion if he had mentioned any numbers at all in that context. Applicant's attorney testified that he handled approximately 100 cases per year, constituting over 300 cases since this matter had been heard on 19 August 1986. By contrast, that was Applicant's last court appearance prior to post-conviction.

Accordingly, Applicant contends that the fair weight of credibility should have been interpreted in his favor, and the post conviction court should have permitted him to withdraw his guilty plea.

II. THE COURT ERRED IN FINDING THAT THE FILING OF A ONE-SENTENCE BOILERPLATE MOTION FOR MODIFICATION OR REDUCTION OF SENTENCE TEN DAYS AFTER SENTENCING, WITHOUT MORE, DID NOT CONSTITUTE INEFFECTIVE ASSISTANCE OF COUNSEL .

Testimony and evidence received at Applicant's post conviction hearing show that, on 20 August 1986, Applicant asked his trial attorney to file a motion for modification or reduction of sentence. Applicant's attorney filed a boilerplate motion on 29 August 1986, offering no new reasons for the Court to amend its sentence, and impliedly relying on the Court to schedule a hearing in order to then present Applicant's argument for reduction. It is uncontested that Maryland Rule 4-345(b) allows ninety (90) days for the filing of such a motion, and does not require the Court to hold a hearing unless the Court is inclined to consider granting the motion.

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Applicant urges that his trial attorney, upon whom Applicant was relying completely, filed an utterly unpersuasive motion, equivalent to not filing any motion for the relief sought. Trial counsel conceded that he knew of the extra eighty days in which he could have further investigated. Applicant's circumstances or awaited Applicant's advice of his achievement of some goal while incarcerated, which new information could then have been brought to the attention of the Court. Trial counsel conceded that he had no new information to offer the sentencing Court when he filed the subject motion, and that he did not file another one after the first one was denied. The Rule does not limit the number of such motions which may be filed.

Strickland v. Washington, 466 U.S. 668 (1984), adopted by Maryland in State v. Tichnell, 306 Md. 428, 509 A.2d 1179 (1986), requires a showing that counsel's services were defective and that the defect prejudiced Applicant's interests. While the services of counsel appear at this time to be a matter of grace rather than entitlement in post-sentence matters of this sort, short of appeal, once offered and especially when relied upon, Applicant urges that they must be professional in quality and subject to a Strickland/Tichnell analysis.

Here, trial counsel failed to offer even an iota of new information in support of the motion at issue, and appeared to rely upon the Court being persuaded by that to schedule a hearing. Trial counsel had ninety days within which to obtain some new information but rushed the matter off his calendar in ten days. When the motion was denied, still

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well within the ninety-day period, trial counsel failed to file another motion with more appropriate support. Thus, Applicant was prejudiced by the loss of an opportunity provided by statute to seek serious consideration of his request for modification or reduction of sentence. Accordingly, the Court erred in denying Applicant an opportunity to file a belated but effectively counselled motion for such relief.

Applicant further urges the Court of Special Appeals to find as a matter of constitutional law that the ninety days following sentencing in the State of Maryland is a critical stage of trial during which Applicant and all others similarly situated are entitled to assistance of counsel. Applicant urges this Court to hold that such assistance should be deemed part of the responsibility of counsel present at sentencing, extending the duty to represent for the additional ninety days following sentencing, as one means of effectuating this right to legal services.

WHEREFORE, Applicant respectfully requests that the Court of Special Appeals grant him leave to appeal, without payment of costs on account of his herejasserted indigency, and such other relief as may be appropriate.

Kenneth Owens
Kenneth Boyd Owens

Louis "Rr-enaan" etirran, Esq.
Assistant Public Defender
Inmate Services Division
201 St. Paul Place
Baltimore, Maryland 21202
(301) 333-4880

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 10th day of November, 1989, that a copy of the foregoing Application for Leave to Appeal was mailed postage prepaid to the Office of the State's Attorney for Baltimore County, County Courts Building, Towson, Maryland 21204 and to the Office of the Attorney General, 200 St. Paul Street, Baltimore, Maryland 21202.



Louis Brendan Curran, Esq.
Assistant Public Defender



The (Utrcuti (Eouri for Baltimore (Eaunijj

THIRD JUDICIAL CIRCUIT OF MARYLAND

JAMES T. SMITH, JR.
JUDGE

COUNTY COURTS BUILDING
TOWSON, MD. 21204
1301] 494-2620

November 27, 1989

Kim Detrick, Esq.
State's Attorney's Office
Towson, Maryland 21204

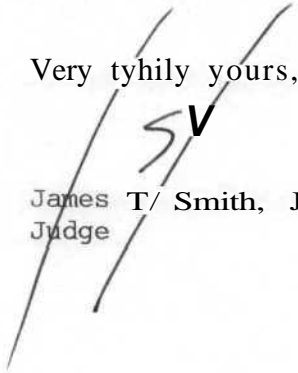
Louis Curran, Esq.
Office of the Public Defender
Third Floor
201 St. Paul Place
Baltimore, Maryland 21202

RE: STATE OF MARYLAND v. KENNETH BOYD OWENS
Criminal No. 86-CR-2657

Dear Counsel:

Enclosed herewith please find copy of 'Excerpt' from a transcript in the above case.

Very tyhily yours,


James T/ Smith, Jr.
Judge

JTS/ss

FILED NOV 29 '89

TO CRIMINAL DEPARTMENT

STATE OF MARYLAND

VS

K. Owens

CASE NO. 86 co ***&&7**

Date - 1/11/86 - Original -papers sent to the Court of
Special Appeals of Maryland.

Please make entry on computer to read as noted above. We do not
need docket entries. Thank you.

Appeals Desk

86 10.26.57

De

DISPOSITION OF APPEAL IN COURT OF SPECIAL APPEALS:
June 12, 1990: Per Curiam. Application for
leave to appeal denied.

CLERK
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UIT COURT,
COUNTY

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UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 111

September Term, 1989

POST CONVICTION

KENNETH BOYD OWENS

v.

STATE OF MARYLAND

Garritty,
Bloom,
Karwacki,

JJ.

PER CURIAM

Filed: June 12, 1990

The application of Kenneth Boyd Owens for leave to appeal from a denial of post conviction relief has been read, considered, and is denied.

APPLICATION FOR LEAVE
TO APPEAL DENIED.

No. 111 (LEAVE BLANK) SEPTEMBER TERM, 19 89

TRANSCRIPT OF RECORD
FROM THE

CIRCUIT COURT FOR BALTIMORE COUNTY

Judge: THE HONORABLE JAMES T. SMITH, JR.

IN THE CASE OF

KENNETH BOYD OWENS

APPLICATION FOR LEAVE TO APPEAL V S .

Appellant

STATE OF MARYLAND

Appellee

TO THE
COURT OF SPECIAL APPEALS OF MARYLAND

LOUIS BRENDAN CURRAN, ASST PUBLIC DEFENDER 333-4880

Inmate, Seryip.e?..division
201 St. Paul Place

Baltimore, Maryland, 21202

FOR APPELLANT

J. JOSEPH CURRAN, JR. ATTY. GENERAL FOR THE

STATE OF MARYLAND

"SANDRA" A." OrotiNOK, STA "TES" "ATTYV" FOR

BALTIMORE COUNTY, TOWSON, MARYLAND 21204

FOR APPELLEE

Filed # /Afolt. (LEAVE BLANK)

STATE OF MARYLAND

VS

KENNETH BOYD OWENS

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CRIMINAL

DOCKET EHK, JR.

CASE NO. 86CR 2657

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CASE NO, **86CR2657**

STATE OF MARYLAND V. OWENS, KENNETH BOYD

CHARGES: COUNT 01 ASSAULT - W/INTENT
 COUNT 02 ASSAULT COMMON LAW
COUNT 03 MAIM - WITH INTENT
 COUNT **04 BATTERY** COMMON LAW
 COUNT **05 ASSAULT** COMMON LAW
 COUNT 06 DEADLY WEAPON - CONCEAL

PROSECUTOR:

KIM DETRICK

ATTORNEY:

MICHAEL. MCCAMPBELL

APPEARANCE ENTERED:

MAY 20, 1996

DATE	PROCEEDING	JUDGE	ACTION
MAY 20, 1986	ARRAIGNMENT		APPEARANCE ENTERED
AUGUST 19, 1986	TRIAL	JUDGE WILLIAM BUCHANAN	TRIAL SENTENCE
SEP(EMBER 13, 1989	POST CONVICTION	JUDGE JAMES SMITH	POSTPONED BY:
NOVEMBER 9, 1989	POST CONVICTION	JUDGE JAMES SMITH	COMPLETED

FILING DATE: MAY 12, 1986 CASE TYPE: INFORMATION

01. MAY 16, 1986 WRIT OF HABEAS CORPUS SERVED,
02. AUGUST 18, 1986 STATE'S ANSWER TO DEFENDANT'S
MOTION FOR DISCOVERY AND **INSPECTION**.
03. AUGUST' 29, 1986 DEFENDANT'S MOTION FOR
MODIFICATION OR REDUCTION OF **SENTENCE**.
- 04.** SEPT. 11, 1986 DEFENDANT'S MOTION FOR MODIFICATION
OF SENTENCE DENIED.
- 05.** ..JUNE 15, 1989 DEFENDANT'S PETITION FOR POST
CONVICTION RELIEF.
06. JULY 7, 1989 STATE'S ANSWER TO PETITION FOR POST
CONVICTION RELIEF.
07. SEPT. 13, 1989 POST CONVICTION POSTPONED.
DEFENDANT REMANDED TO COURT.
08. OCT. 16, 1989 CORRESPONDENCE FROM
DEFENDANT IN RE: POST **CONVICTION**
HEARING DATE.
09. NOV. 9, 1989 HEARING HAD IN RE: POST CONVICTION
RELIEF PETITION. END OF PETITIONERS CASE, STATE'S

rCASE NO. **B6CR2&57**

STATE OF MARYLAND V. OWENS, KENNETH BOYD

MOTION **TO** DISMISS: DENIED. PETITION FOR **POST**
 CONVICTION RELIEF: DENIED, OPINION AND ORDER TO

10. BE FILED. DEFENDANT REMANDED **TO** THE DOC.

11. NOV. 20, 1989 DEFENDANT'S APPLICATION FOR LEAVE
 TO APPEAL... <SEE DOCKET 4, FOL...10 216)

DISPOSITIONS: AUGUST 19, 1986

COUNT 01 ASSAULT - W/INTENT-

PLEA: GUILTY FINDING: GUILTY
 SENT DATE: 08/19/86 SENT TYPE: PRISON
 LENGTH: 20Y SUSP LENGTH:
 CC/CS: CREDIT TVS:
 SENT START: MARCH 23, 1936 COMPL. ET10N:
 LITERAL: COST WAIVED
 COMMIT SENT.

EXPL CODE: MD DOC

NOTES:

COUNT 02 ASSAULT COMMON LAW

PLEA: FINDING: NOLLE **PROSSE**

COUNT 03 MAIM - WITH INTENT

PLEA: FINDING: NOLLE PROSSE

COUNT 04 BATTERY COMMON LAW

PLEA: FINDING: NOLLE PROSSE

COUNT 05 ASSAULT COMMON LAW

PLEA: FINDING: NOLLE PROSSE

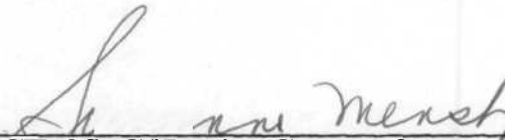
COUNT 06 DEADLY WEAPON - CONCEAL

PLEA: FINDING: NOLLE PROSSE

STATE OF MARYLAND
BALTIMORE COUNTY, TO WIT:

I, SUZANNE MENSCH, Clerk of the Circuit Court for
Baltimore County do hereby certify that Case No. 86CR 2657
is one of the Criminal Original Record
of Proceedings in the said Court, in the therein entitled
cause in conformity with the rules of the Court of Special Appeals
of Maryland relating thereto.

IN TESTIMONY WHEREOF, I hereto
subscribe my name and affix the
Seal of the said Circuit Court,
this 28th day of November 1989.


Circuit Court for
Baltimore County

Preparation Cost of Appeal

STENOS COST

APPEAL FEE

POSTAGE OR
TRANSPORTATION
FEE

\$ 7
\$ 7
\$ 7
\$ 1

CASE NO. 36CR2657

STATE OF MARYLAND V, OWENS, KENMLTH- BOYD-... 03

L.D. GRADET, CLERK

CHARGES : COUNT 01 ASSAULT - W/INTENT
 COUNT 02 ASSAULT COMMON LAW
 COUNT 03 MAIM - WITH INTENT
 COUNT- 04 BATTERY COMMON LAW
 COUNT 05 ASSAULT COMMON LAW
 COUNT 06 DEADLY WEAPON - CONCEAL

PROSECUTOR:

KIM DETRICK

ATTORNEY:

MICHAEL MCCAMPBELL

APPEARANCE ENTERED:

MAY 20, 1986

DATE	PROCEEDING	JUDGE	ACTION
MAY 20, 1986	ARRAIGNMENT		APEARNCE ENTRED
AUGUST 19, 1986	TRIAL	JUDGE WL... L. IAM BUCHANAN	TRIAL SENTENCE
SEPTEMBER 13, 1989	POST CONVICTION	JUDGE JAMES SMITH	POSTPONED BY:
NOVEMBER 9, 1989	POST CONVICTION	JUDGE JAMES SMITH	COMPLETED
FILING DATE: MAY 12, 1936		CASE TYPE: INFORMATION	
01, MAY 16, 1936	WRIT OF HABEAS CORPUS SERVED,		
02, AUGUST 18, 1986	STATE'S ANSWER TO DEFENDANT'S MOTION FOR DISCOVERY AND INSPECTION,		
03, AUGUST 29, 1936	DEFENDANT 'S MOT10N FOR MODIFICATION OR REDUCTION OF SENTENCE,		
04, SEPT. 11, 1936	DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE DENIED,		
05, JUNE 15, 1989	DEFENDANT'S PETIT10N FOR POST CONVICTION RELIEF,		
06, JUL... Y 7, 1939	STATE 'S ANSWER TO PETIT10N FOR POST CONVICTION RELIEF,		
07, SEPT, 13, 1989	POST CONVICTION POSTPONED, DE FENDANTREMANDEDDOC,		
03, OCT. 16, 1989	CORRESPON1)ENCE FROM DEFENDANT IN RE: POST CONVICTION HEARING DATE,		
09, NOV. 9, 1939	HEARING HAD IN RE: POST CONVIC10N RELIEF PETIT10N. END OF PETIT10NERS CASE, STATE 'S		

CASE NO. 86CR265? STATE OF MARYLAND V. OWENS, KENNETH BOYD

MOTION TO DISMISS: **DENIED.** PETITION FOR POST
CONVICTION RELIEF: **DENIED.** OPINION AND ORDER TO

10. BE FILED. DEFENDANT REMANDED TO THE DOC.
11. NOV. 20, 1939 DEFENDANT'S APPLICATION FOR LEAVE
TO APPEAL. (SEE DOCKET 4, FOLIO 216)
12. NOVEMBER 29, 1989 CORRESPONDENCE FROM JUDGE
SMITH WITH '**EXCERPT**' FROM A TRANSCRIPT.
13. DEC. 4, 1989 ORIGINAL PAPERS SENT TO THE
COURT OF SPECIAL APPEALS OF MARYLAND.

DISPOSITIONS: AUGUST 19, 1986

COUNT 01 ASSAULT - W/INTENT

PLEA: GUILTY FINDING: GUILTY
SENT DATE: 08/19/86 SENT TYPE: PRISON
LENGTH: 20Y SUSP LENGTH:
CC/CS: CREDIT T/S:
SENT START: MARCH 23, 1986 COMPLETION:
LITERAL: COST WAIVED
COMMIT SENT.

E: XPL CODE: MD DOC

NOTES:

COUNT 02 ASSAULT COMMON LAW

PLEA: FINDING: NOLLE PROSSE

COUNT 03 MAIM - WITH INTENT

PLEA: FINDING: NOLLE PROSSE

COUNT 04 BATTERY COMMON LAW

PLEA: FINDING: NOLLE PROSSE

COUNT 05 ASSAULT COMMON LAW

PLEA: FINDING: NOLLE PROSSE

COUNT 06 DEADLY WEAPON - CONCEAL

PLEA: FINDING: NOLLE PROSSE

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IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

STATE OF MARYLAND

vs.

Case No. 86-CR-2 657

KENNETH BOYD OWENS

Defendant

j

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS

November 10, 1989

Towson, Maryland

BEFORE:

THE HONORABLE JAMES SMITH, Judge

APPEARANCES:

On behalf of the State of Maryland:

KIM DETRICK, ESQ.

On behalf of the Defendant:

LOUIS CURRAN, ESQ.

Reported by:

A. M. Greaver

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that the foregoing is a true
photocopy of the original DOCKET ENTRIES AND TYPED ORAL


OPINION BY THE HONORABLE JAMES T. SMITH, JR. IN THE CASE OF

THE STATE OF MARYLAND VS. KENNETH BOYD OWENS.

taken from the CRIMINAL records of
the Circuit Court for Baltimore County as recorded in

Docket SM NO. - Page - Case // 86CR 2657

Signed and Seal affixed this 5th day of
December, 19 89.


Suzanne Marsh

A
Clerk of the Circuit Court
for Baltimore County.



The Circuit Court for Baltimore County

TOWSON, MARYLAND 21204

CHAMBERS OF
JOHN O. HENNEGAN
JUDGE

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(410) 887-3290

October 15, 1992

Mr. Kenneth B. Owens #183-144
Maryland House of Corrections
P.O. Box 534
Jessup, MD 20794

Re: State v. Kenneth Boyd Owens
Case No. 86CR2657

Dear Mr. Owens:

I acknowledge your Motion for Modification or
Reduction of Sentence filed September 1, 1992. I have reviewed the above
captioned case and the State's Answer thereto filed
September 9, 1992.

The Motion filed August 29, 1986 was denied by Judge
William R. Buchanan, Sr. on September 11, 1986. That
decision shall remain unchanged by this court. Your motion
filed September 1, 1992 is, therefore, DENIED.

Very truly yours,

John O. Hennegan

JOH:bas

CC State's Attorney's Office
File

COPY

FILED OCT 16 1992

IN THE CIRCUIT COURT FOR
BALTIMORE COUNTY, MARYLAND

KENNETH B. OWENS,
Petitioner,

VS.

Case No. 86 CR 2657

STATE OF MARYLAND,
Respondent.

* * * * *

MOTION FOR MODIFICATION OR
REDUCTION OF SENTENCE

Now comes, Kenneth B. Owens, Petitioner, by *pro se*, moves,
pursuant to Maryland Rule 4-345 (b), for modification or reduction
of his sentence. The grounds for this motion are as follows:

1. On August 19, 1986, the Petitioner was convicted
by Honorable. William Buchanan, Sr. (Non-jury Trial)
of assault with intent to murder.
2. As a result of plea negotiations, the Petitioner
entered a guilty plea to Count 1, assault with
intent to murder, in Case No. 86 CR 2657 on August
19, 1986 before Judge William Buchanan, Sr.
3. Case No. 86 CR 2657 charged assault with intent to
murder as a result of a domestic violence (Spousal
Assault) on March 23, 1986 in which Petitioner found/
caught his wife having an affair with her companion,
finding them in the act of adultery.

FILED SEP 0* 1986

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4. That the Petitioner was sentenced on August 19, 1986 to the Department of Corrections for a period of twenty (20) years. With credit for jail time served from March 23, 1986 to August 19, 1986.
 5. That the Petitioner believes that the sentence involved is too severe and would be a proper subject for reconsideration or modification by this Honorable Court for the reason that in view of the circumstances surrounding the case, the sentence imposed is inappropriate.
 6. The sentence imposed in this case should be modified and/or reduced for the following reasons:
 - a. That Petitioner's Defense Attorney, Mr. Michael McCampbell, Public Defender for Baltimore County. Knowingly, intentionally made false statements to Petitioner, and misleading Petitioner during the plea negotiations of Case No. 86 CR-2657.
 - b. Petitioner's attorney, made statements to Petitioner, that the Prosecutor for the State's Attorney in Case No. 86 CR-2657, was willing to make a deal, if Petitioner would plea guilty to Case No. 86 CR 2657, the state's attorney would in return ask for a Substantial amount of time.
 - c. Petitioner didn't understand the meaning of "substantial", Petitioner's attorney told Petitioner that, "It would be anywhere from eight (8) to twelve (12) years" And Petitioner's attorney **"Specify told Petitioner,"** "That he spoke with the state's attorney and made it clear that we, (Petitioner and Petitioner's Attorney) wasn't going to accept nor even talk about a fifteen (15) or twenty (20) year deal."

- d. Petitioner's attorney, failed to inform Petitioner of his right to file a motion into the Courts, to withdraw the plea of guilty, due to the fact, ;Uiefewasaviolation of the plea agreement, [Mary^and Ru_le_4j^_43_[f|_. (Amended Apr. 7, 1986, effective July 1, 1986; June 28, 1989, effective July 1, 1989.
- e. Petitioner believes that the State's Attorney Prosecutor and presiding Honorable. Judge Buchanan, Sr, in Case No. 86 CR 2657 refuse to acknowledge Case No. 86 CR 2657, as a "Domestic Violence", caused wholly to the heat of overmastering passion caused by adequate provocation.
- f. Kenneth B. Owens, Petitioner, is 30 years of age. He has successfully completed his education while incarcerated. (See Attached) And is now attending Essex Community College, working toward his "Associate in Arts Degree", in General studies.
- g. Kenneth B. Owens, Petitioner, has also successfully completed the requirements of Division of Legal Paraprofessions and has received his Certificate of "Legal Assistant/ Paralegal", while incarcerated. (See Attached)
- h. Kenneth B. Owens, Petitioner, additionally, has successfully completed the Junction Bridge Stabilization Program. In Decision Making Process, also the Junction Bridge orientation process.
- i. In 1985, Petitioner was working at Martin State Airport, at Omni Flight Airways, as an asst. Helicopter Mechanic, and attending flight school at night, working and studying to get a Pilot's License.

- j. Petitioner, was under alot of stress, caused by his wife and her never ending running around with the wrong crowd. Among other things, and everytime Petitioner and his wife spoke of the problems and concern, Petitioner's wife would always say that she would stop and get it together, but yet, Petitioner came home and found his wife in the act of adultery.
 - k. Petitioner feels very ashamed and sorry for what took place on that 23th, day of March 1986, between him and his wife. But Petitioner must live with it for the rest of his life, and at the same time, Petitioner must put the past behinde him, and continue to go forward with his life, in getting it together. Even though Petitioner has had communications with his wife (Ex) while incarcerated. Petitioner has no second thoughts in his plans of going back to Florida, where his family, home, and job are waiting for him.
7. The Petitioner believes that it is within this Court's power, under the provisions of Rule 4-345 of the Maryland Rules of Procedure, to modify or reduce the sentence in question and respectfully suggests that the Court do so at this time.

WHEREFORE, The Petitioner Prays:

- a. That this Honorable Court modify or reduce the sentence imposed on August 19, 1986.
- b. That this Honorable Court reduce the sentence of twenty (20) years, to a term of eight (8) to twelve (12) years, with work release recommended.
- c. That this Honorable Court grant Petitioner, a hearing in this motion for Modification or Reduction of Sentence.

d. And for such other and further relief as the nature of
Petitioner's cause may require.

Respectfully submitted,

Kenneth B. Owens, pro se.

#183-144

Maryland House of Corrections

P.O.Box 534

Jessup, Maryland. 20794

CERTIFICATION OF SERVICE

If Kenneth B. Owens, hereby certify on this 12th day of
August ' 1992, that a copy of the foregoing Motion for
Modification or Reduction of Sentence, was mailed postage- pre-paid
via, U. S. Postal Service Mail, TO:

State's Attorney for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland. 21204-0754

Clerk of Court
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
P.O.Box 6754
Towson, Maryland. 21204-0754

Kenneth 12th 6 Owens

Kenneth B. Owens,

The Nationally Accredited
School of Paralegal Studies
of the Southern Career Institute presents this Certificate
of
Legal Assistant/Paralegal

This certifies that **KENNETH B. OWENS** has
satisfactorily met the requirements of the Academy of the Division of Legal Professions and has
accordingly been awarded this certificate with all the rights, *privileges* and *immunities* thereunto
appertaining.

given this 24th day of October A.D.

19 71 under the seal of Southern Career

Institute of Boca Raton, Florida.

Nancy Newman
Director of Training

L. W. Beava
President



Maryland High School Diploma



This is to certify that **KENNETH B OWENS**
has completed in a satisfactory manner the course of study prescribed by the
Board of Education for the year 1992 and is hereby awarded this

Diploma

In Testimony whereof, the signatures of the President of the State Board of
Education and the State Superintendent of Schools are hereunto affixed.
Given at Baltimore, Maryland, JUNE 30, 1992

Robert C. Linley
President State Board of Education

W. J. L. Shomick
State Superintendent of Schools

REGISTRY NUMBER: SO 9 620

Maryland State Superintendent of Education
GED OFFICE • 200 W. BALTIMORE ST. • BALTIMORE, MD. 21201

The attached High School Diploma has been awarded through your attainment of the following scores on the
five General Educational Development Tests.

	WRITING SKILLS	SOCIAL STUDIES	SCIENCE	LITERATURE	MATHEMATICS	TOTAL OF SCORES
TEST SCORE	47	50	46	44	44	231
PERCENTILE RANK	38%	51%	34%	30%	26%	
CERTIFIED	1	2	3	4	5	
MOUTH	DAY	YEAR				
06	10	92				

209620
Z(H-S1-6647

KENNETH B OWENS
PO BOX 534 C/O EDUC
JESSUP HO 40794

Congratulations on achieving the Maryland Diploma. Opportunity in both business and higher
education is now open to you that was previously unobtainable. Your accomplishment should
give you a feeling of satisfaction that is certainly shared by the Q&Q QHCo,

STATE OF MARYLAND

v.

KENNETH OWENS

*

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IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. d 86 CR 2657

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STATE'S ANSWER TO DEFENDANT'S
MOTION FOR MODIFICATION OF SENTENCE

Now comes the State of Maryland by Sandra A. O'Connor, State's Attorney for Baltimore County and Kim Detrick, Assistant State's Attorney for Baltimore County, and in answer to Defendant's Motion for Modification says the following:

1. On August 19, 1986, the Defendant was convicted by the Honorable William Buchanan of Assault with Intent to Murder. The Defendant was sentenced to twenty (20) years to the Department of Corrections.

2. On August 29, 1986, the Defendant filed a Motion for Modification which Judge Buchanan denied.

3. Subsequent appeals and post-conviction relief petitions have also been denied.

4. The facts of this case were particularly serious. On March 23, 1986 the Defendant approached his wife and without provocation stabbed her four (4) times in the chest, stomach, back and side. She was flown to Shock Trauma where she spent two (2) weeks. The Defendant had been served with an exparte order for domestic violence the day prior to this incident.

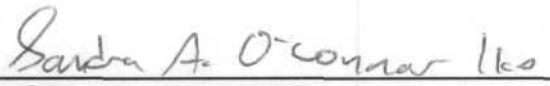
5. Months following this incident, the Defendant wrote a letter which demonstrated that he continues to harbor thoughts of killing or seriously hurting his ex-wife. The State obtained a copy of that letter and a copy is attached hereto.


FILED

SEPoaBi


WHEREFORE, the State respectfully requests this Honorable Court to deny the Defendant's Motion for Modification of Sentence without a hearing.

Respectfully submitted,


Sandra A. O'Connor
State's Attorney for Baltimore
County


Kim Detrick
Assistant State's Attorney for
Baltimore County

I HEREBY CERTIFY that a copy of the foregoing State's Answer to Defendant's Motion for Modification was mailed this 1T day of September, 1992 to: Kenneth Owens, #183-144, Maryland House of Corrections, P.O. Box 534, Jessup, Maryland 20794.


Kim Detrick
Assistant State's Attorney for
Baltimore County
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-6610

KD:kar

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Cityville

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2140

T A A

But she thinks it's over. But she don't know
that it has only started. ^{3&K} she -WVW in my life
Cause her days are remembered in my life ^Q

I hope
there isn't any ^{°KOSXXL} feelings between you and I
on how I ^{JLSLA} about Diana. But she ^{MJ^Ai} never
get away with what she has done to ^{^VFUL} look
what she has done to you. you know if it
wasn't for her you wouldn't be in prison today
We should of never fucked with her when we
got out.

^ oh well. I guess it's too late to bitch
now. but she can believe she has ^V day
coming and this time it's going to happen
so fast she won't have any idea who ^{d<ama}
it, see I'm not going to kill her. that
would be too good for her, I'm going to put
her ^{|si|} a wheel chair for the rest of her life
Cause she has it ^{cosnumjQ}.

I'll hopefully ^{JL} ^{Wvua}.
19 days lefted in here and will be on my way to
D.O.C. I just ^{uo^} A ^{^3tok} ^{QV}. Ate much time. you
take care and keep in touch. when ^{uok} write Diana
ask her what she thinks of the letter I wrote ^{IM}. ^{T^OA}.
til write her a real good fucked up letter. HA, HA
Write soon.

Son in law
Kenny,

Kenneth Owens #183-144
Maryland House of Corrections
P. fc. Box 534
Jessup, Maryland. 20794



Clerk of Court
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
P.O.Box 6754
Towson, Maryland. 21204-0754

"Legal Mail" V¹

Fold at line over top of envelope to the
right of the return address.

CERTIFIED

P 652 930 899

MAIL

Is your RETURN ADDRESS
completed on the reverse side?

Thank You + JO noA
Return Receipt as
Buisn JO noA

CIRCUIT COURT FOR

Baltimore County

Telephone

(410) 887-3413

Located at

Street Address

401 Rosley Ave., Towson MD.

Zip Code

21204

MD Relay Telephone No.

1-800-735-2258

State of Maryland

Case No(s).

86CR02657

vs.

Tracking No.

D91SS7PA

ID No. (Baltimore City Only)

Defendant

D.O.B.

Kenneth Boyd Owens

2/12/62

Date Sentence Imposed

August 19, 1986

COMMITMENT RECORD

TO: ☒ Commissioner of Correction ☐ Warden/Sheriff of Jail/Detention Center

YOU ARE DIRECTED to receive the above named Defendant who has been sentenced and is hereby committed to your custody by

JUDGE H. Hiram R. Buchanan, SR.

The Defendant has been found guilty as to:

Case/Count Offense No. 86CR2657 Charge? Assault W/Intent to Murder Art. 27 Secj 12

Sentence Twenty (20) years ☒ Concurrent with ☐ Consecutive to Case/Count/Offense No.☐ Parole Eligibility Restrictions Art. ~ Sect 1 (Provide Details in Additional Sentencing Information)

Case/Count Offense No. Charge Art. I Secj^

Sentence: ☐ Concurrent with ☐ Consecutive to Case/Count/Offense No.☐ Parole Eligibility Restrictions Art. Sec. (Provide Details in Additional Sentencing Information)

Case/Count Offense No. Charge Art. I Sec.

Sentence: ☐ Concurrent with ☐ Consecutive to Case/Count/Offense No.☐ Parole Eligibility Restrictions Art. Sec. (Provide Details in Additional Sentencing Information)

All but; is/are suspended and the defendant is placed on probation for a Split period of commencing upon (check one)

Sentence ☐ 1. Release of Defendant from physical incarceration.☐ 2. Release of defendant from parole, or mandatory supervision pursuant to Art. 41, §4-612.

The total time to be served is Twenty (20) years, to run:

Select ☒ A. concurrent with any other outstanding or unserved sentence and begin on March 23, 1986Only ☐ B. consecutive to the last sentence to expire of all outstanding and unserved Maryland sentences.One ☐ C. consecutive to the sentence imposed in case No. J

The defendant has been awarded 149 days credit for time served prior to and not including date of sentence (Art. 27, §638C).

ADDITIONAL SENTENCING INFORMATION/PROVIDE PAROLE ELIGIBILITY RESTRICTIONS OR PAROLE RECOMMENDATIONS, IF ANY:

Court Costs are waived.

\$ court cost(s) have been waived due to indigency

☐ Commitment is for execution of previously suspended sentence after Defendant was found in violation of probation.☐ Sentencing modification. This commitment supersedes commitments issued on:ATTACHMENTS HERETO INCLUDE: ☒ Additional Sentence(s); ☐ Order for Probation; ☐ Conditions of Parole;☐ Order for Reimbursement of Public Defender; ☐ Other: vS,;

TRULY taken from the record of this court.

WITNESS my Hand and the Seal of said Court this date:

I September 97, 199^ @8:50 ppr. Kliashy

Appeal Bond set at \$

Clerk of Court/Judge

STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF CORRECTION



WILLIAM DONALD SCHAEFER
GOVERNOR

MELVIN A. STEINBERG
LT. GOVERNOR

BISHOP L. ROBINSON
SECRETARY

HAGERSTOWN REGIONAL COMMITMENT OFFICE
18601 ROXBURY ROAD
HAGERSTOWN, MARYLAND 21746-9539
(301) 416-8422 (FAX)
TTY FOR THE DEAF: (301) 486-0677
PHONE: 791-4565; 791-4566; 791-4568

RICHARD A. LANHAM, SR.
COMMISSIONER

MELANIE PEREIRA
DEPUTY COMMISSIONER

LLOYD L. WATERS
WARDEN, MCI-H

JON P. GALLEY
WARDEN, RCI

JOSEPH P. SACCHET
WARDEN, MCTC

August 9, 1993

The Honorable Judge William R. Buchanan, Sr.
Baltimore County Circuit Court
401 Bosley Avenue
Towson, MD 21204

Re: Kenneth Boyd Owens
MD DOC No.: 183144
Case No.: 86CR2657

*file
Basefile*

Dear Judge Buchanan:

Please issue an amended commitment for the attached as 283 days credit from the sentencing date of August 19, 1986 should show a commencing date of November 9, 1985. However, if the commencing date is to read March 23, 1986, the amount of credit should be 149 days.

I apologize for any inconvenience; however, the Division of Correction wants to be certain his sentence structure reads as was intended.

Very truly yours,

Ava I. Gift

Ava I. Gift
Office Supervisor III
Hagerstown Regional Commitment Office

AIG:clp

cc: Arthur W. Crawmer, Director of Classification
Baltimore County State's Attorney
Basefile MCTC
Kenneth B. Owens #183144/MCTC
Commitment File

COURT CLERK'S WORK SHEET

TRIAL DATE 9/22/93 — Judge 11 ^ L ± ^ T egon

STATE'S ATTORNEY

DEFENDANT'S ATTORNEY

COURT REPORTER

CLERK.

CASE it 86CR 2657 ~—NAME Kenneth Owens

CHARGE

TRIAL — PLEA — W LO CONTENDERE
C5URT''JURY GUilty NOT GUILTY

MOTIONS: 1. END of STATFS CASE defs. Motion for Judgment of ACQUITTAL

GRANTED

OVBRULE23

2. END of ENTIBE CASE defc. Motion For Judgment of ACQUITTAL

GRANTED

OVERRULED

VERDICT: GUilty ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TEEM OF	SUSPENDED	PROB.	FINE Sc COSTS
Department of Correction				
Bakbo. Co. Detenoon Center				

REMARKS

Ar^K*^P*^fx. commit sent reflecting #
of days credited.

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT 17 W. PENNSYLVANIA AVE., 3rd FLOOR TOWSON, MARYLAND 21204 IMMEDIATELY.

Defendant's petition was heard and denied. This denial is reflected in Judge Kahl's opinion dated January 20, 1994.

5. On June 2, 1994, the Defendant filed this Motion for Writ of Habeas Corpus, which is actually a third Petition for Post Conviction Relief.

6. Article 27, Section 645A(2) of the Maryland Annotated Code allows only two (2) petitions to be filed per case.

7. The Defendant has previously filed his two (2) allowed Petitions for Post Conviction Relief. This is the Defendant's third petition.

WHEREFORE, the State respectfully moves this Honorable Court to Dismiss this Motion for Habeas Corpus/Petition for Post Conviction Relief without a hearing.

Respectfully submitted,



Sandra A. O'Connor
State's Attorney
for Baltimore County



Kim Detrick
Assistant State's Attorney
for Baltimore County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this J25 day of A^^Jl^, 1994, a copy of this Answer was mailed, postage pre-paid, to:

KENNETH B. OWENS #183-144
R.C.I.-H. 18701 Roxbury Road
Hagerstown, MD 21746



Kim Detrick

KENNETH B. OWENS

V.

STATE OF MARYLAND

* * * * *

* IN THE CIRCUIT COURT

* FOR BALTIMORE COUNTY

* CASE NO.: 86CR2657

ORDER

Upon consideration of the foregoing Motion to Dismiss the Motion for Writ of Habeas Corpus/Petition for Post Conviction Relief, it is this day of , 1994

ORDERED that a hearing is denied and Petitioner's petition is dismissed.

Judge

KENNETH B. OWENS
PETITIONER

v.
STATE OF MARYLAND

IN THE
CIRCUIT COURT
FOR
Baltimore County
CRIMINAL No. 86 CR 2657

PETITION FOR POST-CONVICTION RELIEF

Now comes the Petitioner Kenneth B. Owens, pro/se, Pursuant to Rule 45 of the Maryland Rules of Procedure and Article 27, 645A of the Annotated Code Maryland. That bring this Petitioner Relief under the uniform Post-Conviction Act Petitioner is also indigent and cannot pay the cost of said proceedings.

i?

Statement of case

1. Petitioner ~~was~~ convicted in the Circuit Court on the

~~TOth~~ day of August 19 Rfr

(A) With out a jury xx

(B) By a jury _____

(C) By Honorable Judge y/in.iam Buchanan, and convicted of the offense of Assault with. Intent to Murder

And sentenced to ia term of TWENTY (20) years of the Department of Corrections.

The Court of Special Appeals affirmed the conviction on Don't Know.

The Court of Appeals denied Certiori on Don't Know.

This is Petitioner's frjj Petition under this Act.
(Second)

CRIMINAL DEPT. SEP 20 1993

C

ALLEGATIONS OF ERROR

1. Petitioner contends that he was denied the effective assistance of counsel at trial because I pled Guilty and took the State's Attorney deal, but it wasn't to be for no 20 years. My counsel, Mr. Michael McCampell, Public Defender, failed to inform me that I had the right to file an Motion to withdraw the plea of guilty,, and my counsel failed to file the Motion. (Maryland Rule 1f-24-3 (f))
2. Petitioner contends that he was denied Due Process of Law through Prosecutor's conduct because The State's Attorney offered the word "Substantial", which under the advise of my counsel, it meant that I would only receive a sentence of eight (8) too ten (10) years. I was mislead.

Therefore Petitioner Prays for the following:

~~ORDER~~ an evidentiary hearing with Petitioner, Kenneth B. Owens Present.

Reverse the convictions and order a new trial.

Allow Petitioner to freely Amend this Petition at anytime.

Appointment of Counsel.

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THIS PETITION WAS MAILED TO THE STATE'S ATTORNEY ON THIS \ tptk-_____ DAY OF September 1993.

I HEREBY AFFIRM THAT THE FOREGOING IS TRUE AND CORRECT.

W
PETITIONER:

Please read the following letter that I have written to the Honorable Judge that will hear this Motion.

STATEMENT OF INDIGENCY

I, Kenneth B. Owens, Petitioner in the above Post Conviction Relief action hereby certify that I have no funds available from anyone. Including my family and associates, nor do I own any interest in any real or personal property or any other items of value which could be used to compensate counsel or to pay the costs of this action. I further certify that this statement is made with full knowledge and understanding on my part with an intent to induce the Court to appoint counsel to represent me in this action and further to induce this Honorable Court to waive the costs of these proceedings. I further understand that these representations, if later proven to have been falsely made by me, may result in my being prosecuted for a crime.

^is 10th day of beMem^er, 1993-

Ronald Iny

WITNESS

Kenneth B. Owens

PETITIONER

r

Kenneth Owens^{#18, >144}
MCTC 18800 Roxbury Road
Hagerstown, Maryland. 217^6

Honorable Judge
Circuit Court
Baltimore County
Towson, Maryland. 2120^-075^

Case No. 86 CR 2657

September 16, 1993

Your Honor;

Respectfully, I'm writing this letter in concern of the above case matter. I would like to request if you would please take into consider the many years that I have already spent here in prison? For the crime that I pled guilty too.

Your Honor, at the time of this crime, I was still young and uneducated, I was influenced by negative peer pressure. Rather than dwelling on the crime that you have been made aware of, let me enlighten you of my productivity since my incarceration.

I have finished high school and earned my High School Diploma, and attended Essex Community College for three (3) semesters, and currently on the waiting list to start Hagerstown Junior College as of this writing. I have successfully completed the requirements of Division of Legal Paraprofessions and have received my Certificate of "Legal Assistant/Paralegal, while incarcerated.

Additionally, I have completed the Junction Bridge Stabilization Program. In decision making process, and also the Junction Bridge orientation process.

Your Honor, when the crime took place, I didn't have the education or skills that I have now, in a way, I can say that prison has helped me get my life together. As you know, staying out of trouble in prison isn't that easy, but I've been able to go v/ell over two (2) years now, without any infraction or anything.

Your Honor, if you are wondering if I have family support, home, job placement, etc... Yes, I fortunate do have these things. All ray family live in Gainesville, Florida., and harbor no animosities toward my crime or incarceration, but rather I feel that I disappointed my family.

On the trajet side, I have lost family members, as my father and afew close aunts have passed away only recently. I've come from a strong willed family and I feel that my support is warrently.

I would also like to bring to your attention your Honor, that I have devoloped a life threatening disease. I found out about a year ago, that I'm HIV plus, I have the virus, but it hasn't fully turned into Aids yet, but from being educated about Aids, I realize that it is only a matter of time.

Your Honor, I realize that I'm slowly dying. It has taken me awhile to accept this, for I really don't fully understand the virus, just that it kills, and knowing that I'm dying, and there's nothing that I nor anyone else can do about it, is hard to explain.

My family and friends are fully aware of this, and they still offer their love and support, and continue to stay by my side. I haven't seen any of my family members in person in over eight (8) years now, only thru letters and phone calls.

Your Honor, I'm asking for your help please? I realize that you really don't know me, but only by what you read about me, but your Honor, I'm asking you to please re-consider the twenty (20) year sentence I have now? Can you please reduce or supend some of the sentence with probation in the State of Florida? Your Honor, I don't want to die in prison, please sir.

If you would like verification of family, home, job placement, etc... Please feel free to contact the following family members:

Mrs. Pamela Pearce, (Step Mother)
1520 N. W. 71st. Street
Gainesville, Florida. 32605
(90*0 331-5354 Home
(90*0 375-2525 Work

Mrs. Karen Brown, (Sister)
Rt 5, Box 621-2
Perry, Florida. 3234-7
(904) 584-3874

Thank you your Honor, very much for your attention in this matter, and reading my letter, for I realize that your time is very important. I hope to hear from you soon. Thank you ones again.

Sincerely,

Kenneth B. Owens.

Kenneth B. Owens, #183-144
MCTC 18800 Roxbury Road
Hagerstown, Maryland. 21746

CERTIFICATION OF SERVICE

I, Kenneth B. Owens, hereby certify on this 10th day of September, 1993 that a copy of the foregoing Motion for Post-Conviction Relief, was mailed postage pre-paid via, U. S. Postal Service Mail, TO:

Clerk of Court
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
P. O. Box 6754
Towson, Maryland. 21204-0754

State's Attorney for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland. 21204-0754

Kenneth B. Owens

Kenneth B. Owens .

#183-144

MCTC 18800 **Roxbury** Road

Hagerstown, Maryland. 21746

 \min^{**}

EDNA GOLOMBOWSKI
Chief, Print & Adoptions Department
887-3409

MI-JOT

BLAKE SUMMERS
Commissioner
Child Assessment Department
887-3689

JCANMAHOJI
Commissioner
Criminal Assignments Department
•7-1994

JAMO W. rOUICTUI
Asst. Chief Deputy
197-3453

ntvma KROLL
Chief Liaison Department
887-2887

JOSEPH C. FURASCO
Chief Court Clerk

xauao a AKNOLD, js.
Chief Juvenile Department
•MU

BAR & ULAB.LMNZ
Executive Secretary
887-3001

County Court* Building
401 Bo»ky >Wenue, Towsaa. MuyUnd Z1204

SUZANNE MENSCH

Clerk of Court
(301) 887-2601

Office of the Public Defender
Inmate Services Division
300 W. Preston St. Suite 213
Baltimore, Maryland 21201 -

RE: State of Maryland

vs.

KENNETH B. OWENS

Case Nbnber 86cr2657

Dear Sir or Madam:

Enclosed is a copy of the Petition for POST CONVICTION RELIEF

filed in this office on 9/20/93

If the Petitioner is found to be indigent, will you please assign counsel and direct counsel to enter his/her appearance in this case.

Very truly yours,

Suzanne Mensch

Suzanne M. Mensh, Clerk
Circuit Court for Baltimore County

JE

Per/Deputy Clerk

TTY for Deaf
Bahimxt Air. 3W-7553 • DC Memo 365-0*51

Kenneth Owens, #J83-I44
MCTC 18800 Roxbury Road
Hagerstown, Maryland. 2I746



Clerk of Court
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
F. O. Box 6754
Towson, Maryland. 2I204-0754



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REC'D
JUN 21 1964

STATE OF MARYLAND



WILLIAM DONALD SCHAEFER
GOVERNOR

OFFICE OF THE PUBLIC DEFENDS
COLLATERAL REVIEW DIVISION
300 WEST PRESTON STREET, SUITE 213
BALTIMORE, MARYLAND 21201

September 22, 1993

STEPHEN E. HARRIS
PUBLIC DEFENDER
333-4830

RONALD A. KARASIC
DEPUTY PUBLIC DEFENDER
333-4832

PHYLLIS D. K. HILDRETH
CHIEF COUNSEL, ADMINISTRATION
333-2802

CAROL E. CHANCE
CHIEF ATTORNEY
COLLATERAL REVIEW DIVISION
225-4868

Clerk of the Circuit Court
for Baltimore County
County courts Building
401 Bosley Avenue
Towson, Md. 21204

Re: Kenneth B. Owens
Case No. X86CR2657

Dear Clerk:

This letter is in response to your notice to the Collateral Review Division regarding the above-captioned case. Please be advised that according to our records, the Post Conviction Petition filed is a second or subsequent one. Mr. Owens is not entitled to representation by the Office of the Public Defender on a subsequent petition according to Article 27, Section 645A (f). Accordingly, this office will not be entering its appearance.

Sincerely,

A handwritten signature in cursive script that reads "Carol E. Chance".

CAROL E. CHANCE
Chief, Collateral Review Division

CEC/n11

CRIMINAL DEPT. SEP 23 1993 H W»

STATE OF MARYLAND



WILLIAM DONALD SCHAEFER
GOVERNOR

OFFICE OF THE PUBLIC DEFENDER

COLLATERAL REVIEW DIVISION
300 WEST PRESTON STREET, SUITE 213
BALTIMORE, MARYLAND 21201

October 5, 1993

STEPHEN E. HARRIS
PUBLIC DEFENDER
333-4830

RONALD A. KARASIC
DEPUTY PUBLIC DEFENDER
333-4832

PHYLLIS D. K. HILDRETH
CHIEF COUNSEL, ADMINISTRATION
333-2802

CAROL E. CHANCE
CHIEF ATTORNEY
COLLATERAL REVIEW DIVISION
225-4868

Clerk of the Circuit Court
for Baltimore County
401 Bosley Avenue
Towson, Md. 21204

A handwritten signature, likely of Kenneth B. Owens, consisting of stylized initials.

Re: Kenneth B. Owens
Case No. #86CR2657

Dear Clerk:

This letter is in response to your notice to the Collateral Review Division regarding the above-captioned case. Please be advised that according to our records, the Post Conviction Petition filed is a second or subsequent one. Mr. Owens is not entitled to representation by the Office of the Public Defender on a subsequent petition according to Article 27, Section 645A (f). Accordingly, this office will not be entering its appearance.

Sincerely,

A handwritten signature of Carol E. Chance, written in cursive.

CAROL E. CHANCE
Chief, Collateral Review Division

CEC/n11

RECEIVED
OCT 8 1993
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

CIRCUIT COURT FOR BALTIMORE COUNTY V

State of Maryland vs. **KFNNFTH POYB OWENS**

Case No. B6CR7657

State of Maryland, Baltimore County to wit:

TO: KFNNFTH BOYP OUFNS "***7f?>' ty^f
 MD. BTV. OF CORR.~ TRANS. UNIT
 f.50 F MADISON ST
 BALTIMORE, MD 21202

You are hereby **NOTIFIED TO APPEAR** before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 1?.. 1994 AT
 09:15 AM FOR POST CONVICTIONS

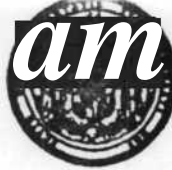
Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **RFPTFMBER ?3, 1993**

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County
 887-2694
 VOICE/TDD Md. Relay Service 1-800-735-2258

C. r. STEPHEN ROSCHER, ESQUIRE

CM (titled review *Dr.*)



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JOYCE GRIMM
DIRECTOR « CENTRAL ASSIGNMENT

DECEMBER 29, 1993

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(410) 687-4396

TO: HON. CHRISTIAN M. KAHT.

RE: 86-CR-2657 STATE V. OWENS. KENNETH

TRIAL DATE: WEDNESDAY. JANUARY 19. 1994 @ 9:30 A.M.

NO TIME ESTIMATE AVAILABLE - DEFENDANT PRO SE

The above named post conviction will be on your assignment on the given trial date. If for some reason it is not heard on the above date/ please reschedule and advise Criminal Assignment.

Thank you*

Joyce G. Grimm, pmg
JOYCE G. GRIMM/ DIRECTOR

cc: Dottie Doval, Criminal Assignment
Criminal Desk

COURT CLERK'S WORK SHEET

TRIAL DATE Jan 19, 94 Judge Kane

J. Anton STATE'S ATTORNEY Pro Se DEFENDANT'S ATTORNEY

K. Frain COURT REPORTER Brechee CLERK

CASE « Rock 2657 NAME Kenneth Owens

CHARGE _____

TRIAL 4/4 TU.-Z-J-- PLEA GUilty COURT JURY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED OVERRULED

2. END of ENTIRE CASE defa. Motion For Jadmern of ACQUITTAL

aumsD OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Dopsrnociii of GUILTYUUUU				
Brito. Co. Detenoon Center	<u>n</u>	<u>n</u>		

REMARKS L Re' Port Conviction

Left Request - Denied -

Remanded Doc -

NOTE: IF PRE-SENTENCE REPORT" IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT 17 W. PENNSYLVANIA AVE., 3rd FLOOR
 .^"SON. ILASYLAMD 2120A P-^IED""T^TY.

if-,-

CIRCUIT COURT FOR BALTIMORE COUNTY

Baltimore, Maryland 21204

Disir<ct Court Case No

Cxsc No

19.

REPORT OF pPctr.N^_BROUGHT_TO_COUBT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Priscser

Dale Of Trill 19. Judge

Charge

Guilty

NOTGULTY

DISPOSITION:

A. Sentenced To Department Of Correction

Length 01 Sentence

B. Sentenced To Baltimore County Detention Center

Length Of Sentence

C. Remanded To Baltimore Ccunij Detention Center

Prot^uon Report 0! Ps;Ch:a'nc Evi!u»'jon

D. Placed On Probation

Length 0! P.-otaron

E. Sentenced To BaJlinore County Detenrion Center Work Release Recommended

F. S'et

G. Nol Pras

H. Arraignment

I. Trial Continued

J. Trial Postponed

JC Bail Hearing

L. Defecdant Released From This Caie Only.
Release In Traniat.

SUZANNE MENSCH, CLERK

of

Per

Deputy Clerk



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JOYCE GRIMM
DIRECTOR, CENTRAL ASSIGNMENT

DECEMBER 29, 1993

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(410) 887-4396

1 * *

TO: HON. THURSTAN M. KAHT.

RE: ffj-nR-7657 STATE V. OWENS, KENNETH

TRIAL DATE: WEDNESDAY, JANUARY 19, 1994 @ 9:30 A.M.

NO TIME ESTIMATE AVAILABLE - DEFENDANT PRO SE

The above named post conviction will be on your assignment on the given trial date. If for some reason it is not heard on the above date/ please reschedule and advise Criminal Assignment.

Thank you.

Joyce G. Grimm, pmg
JOYCE G. GRIMM, DIRECTOR

cc: Dottie Doval, Criminal Assignment
Criminal Desk

*HT/ maybe
able to
dismiss
o/o
hearing*

KENNETH B. OWENS

V

STATE OF MARYLAND

* IN THE CIRCUIT COURT

* FOR

* BALTIMORE COUNTY


* CASE NO. 86CR2657

* * * * *

ORDER OF COURT

For the reasons stated in the State's Answer to
Petitioner's Petition for Post-Conviction Relief, the grounds
therefore having been fully litigated or waived, it is this
19th day of January, 1994 by the Circuit Court for Baltimore
County ORDERED

That the said Petition for Post-Conviction Relief be, and
it is hereby, DENIED.



Judge

CMK:emh

cc: Isaiah Dixon, State's Attorney's Office
Kenneth B. Owens

(CRIMINAL DEFT. JAN 20 1994

With respect to Petitioner's contention that he was misled concerning the sentence the State would be arguing for, this issue was raised by Petitioner in his Application for Leave to Appeal which was denied by the Court of Special Appeals.

Article 27, Section 645(b) provides that a determination of finally litigated precludes instituting a proceeding for post conviction relief.

(b) When allegation of error deemed to be finally litigated.--For the purposes of this subtitle, an allegation of error shall be deemed to be finally litigated when an appellate court of the State has rendered a decision on the merits thereof, either upon direct appeal or upon any consideration of an application for leave to appeal filed pursuant to Section 645-1 of this subtitle; or when a court of original jurisdiction, after a full and fair hearing, has rendered a decision on the merits thereof upon a petition for a writ of habeas corpus or a writ of error coram nobis, unless said decision upon the merits of such petition is clearly erroneous.

Based on the above, it is obvious that Petitioner's allegation that he was misled concerning the terms of his guilty plea has been finally litigated and should be given no further consideration.

With respect to the need for a hearing on the two allegations of error raised by Petitioner, it should be noted that on November 9, 1989, Judge James Smith held a hearing on Petitioner's first Petition for Post Conviction Relief. Article 27, Section 645(f) provides guidance as to when a hearing should be granted:

trial, on direct appeal (whether or not said petitioner actually took such an appeal), in an application for leave to appeal a conviction based on a guilty plea, in any habeas corpus or coram nobis proceeding actually instituted by said petitioner, in a prior petition under this subtitle, or in any proceeding actually instituted by said petitioner, but was not in fact so made, there shall be a rebuttable presumption that said petitioner intelligently and knowing failed to make such allegation, (emphasis added)

The Court of Appeals has held that the "knowing and intelligent" waiver standard of 645A applies only to the waiver of fundamental rights. Curtis v. State, 284 Md. 132, 396 A.2d 464 (1978). The Court of Special Appeals has defined fundamental rights "as being, almost without exception, basic rights of constitutional origin, whether federal or state, that have been guaranteed to a criminal defendant in order to preserve a fair trial and the reliability of the truth determining process." Wyche v. State, 53 Md. App. 403, 454 A.2d 378, 380 (1983) (citations omitted) (emphasis added). The Court of Special Appeals has made clear that "{i}f the right alleged to have been violated is a non-fundamental right, waiver will be found if it is determined that the possibility existed for the petitioner to have raised the allegation in a prior proceeding, but he did not do so." J[d. at 380.

Since Petitioner had the opportunity to raise the issue of his lawyer's failure to file a Motion to Withdraw Guilty Plea in his first Petition, and failed to do so, there is a rebuttable presumption that Petitioner intelligently and knowingly failed to raise the allegation. Petitioner has failed to rebut this presumption.

KENNETH B. OWENS * IN THE CIRCUIT COURT
v. * FOR BALTIMORE COUNTY
STATE OF MARYLAND * CASE NO.: 86 CR 2657
* * * * *

STATE'S ANSWER TO PETITIONER'S
PETITION FOR POST CONVICTION RELIEF

Now comes the State of Maryland by Sandra A. O'Connor, State's Attorney for Baltimore County, and Isaiah Dixon, III, Assistant State's Attorney for Baltimore County, and in answer to Petitioner's Petition for Post Conviction Relief says the following:

1. That on August 19, 1986, the Petitioner plead guilty to one count of Assault with Intent to Murder before the Honorable William Buchanan, Sr., receiving a sentence of twenty (20) years to the Division of Correction.

2. That Petitioner filed his first Petition for Post Conviction Relief on June 15, 1989, alleging ineffective assistance of counsel and the involuntary nature of his guilty plea.

3. That on November 10, 1989, after a hearing, the Honorable James T. Smith denied Petitioner's Petition for Post Conviction Relief.

4. That on June 12, 1990, in an unreported per curiam opinion, the Court of Special Appeals denied Petitioner's Application for Leave to Appeal the denial of his Petition for Post Conviction Relief.

5. That on September 20, 1993, Petitioner filed his second Petition for Post Conviction Relief, alleging ineffective

assistance of counsel and the involuntary nature of his guilty plea.

6. That Petitioner has waived his right to challenge his attorney's failure to file a Motion to Withdraw Guilty Plea by failing to raise it in his first Petition for Post Conviction Relief.

7. That Petitioner's contention that his guilty plea was not knowing and intelligent has been fully and finally litigated.

POST CONVICTION LAW ON WAIVER

Article 27, Section 645A(a)(1) provides that a determination of waiver precludes instituting a proceeding for post conviction relief:

{A}ny person convicted of a crime and either incarcerated under a sentence of death or imprisonment or on parole or probation... may institute a proceeding under this subtitle in the circuit court for the county to set aside or correct the sentence, provided the alleged error has not been previously and finally litigated or waived... (emphasis added)

Section 645A(c) describes the circumstances under which waiver occurs:

(1){F}or the purposes of this subtitle, an allegation of error shall be deemed to be waived when a petitioner could have made, but intelligently and knowingly failed to make, such allegation before trial, at trial, on direct appeal (whether or not said petitioner actually took such an appeal)... unless the failure to make such allegation shall be excused because of special circumstances. The burden of proving the existence of special circumstances shall be upon the petitioner.

(2) When an allegation of error could have been made by a petitioner before trial, at

(f) Right to counsel and hearing.--A petitioner is entitled to the assistance of counsel and a hearing on the first petition filed by the petitioner under this section. The court shall determine if assistance of counsel or a hearing should be granted on a subsequent petition filed by a petitioner.

Since the Petitioner has already had a hearing on his first petition and the issues raised on this petition are almost identical to those raised at the first hearing, there is no need for a hearing on this Petition.

WHEREFORE, the State requests that the Petitioner's Petition for Post Conviction Relief be denied without a hearing.

Respectfully submitted,

Sandra A. O'Connor AJ' V Connor DD

Sandra A. O'Connor
State's Attorney for Baltimore
County

Isaiah Dixon

Isaiah Dixon, III
Assistant State's Attorney for
Baltimore County

I HEREBY CERTIFY that a copy of the foregoing State's Answer to Petitioner's Petition for Post Conviction Relief was

~~//fk~~

mailed this * ' day of January, 1994, to: Kenneth B. Owens
#183-144, MCTC, 18800 Roxbury Road, Hagerstown, Maryland 21746

Isaiah Dixon

Isaiah Dixon, III
Assistant State's Attorney for
Baltimore County
401 Bosley Avenue
Towson, Maryland 21204
(410) 887-6610

STATE V. OWENS

Petition For Post Conviction Relief.

① Ineffective Assistance of Counsel

- A alleges he pled guilty but ~~or~~ wasn't for 20 yrs. A alleges his ~~ouiy~~ Judge McCampbell, failed to inform him he had a right to withdraw the guilty plea, + the ^{^eJ&^ns^} atty failed to file this motion.

② ~~Δ~~ ^{urzis} Denied Due process of Law.

- K alleges the State ~~used~~ used the word "substantia" + A interpreted this to mean 8-10 yrs, + Δ was misled.

Procedural Problems w/ this Petition

- Δ already filed Pet. for Post. Conv. Relief. 6/15/89.
- n/9/89 - Post. conv. Hearing had - Relief Denied
- 9/11/ TG- ^A motion - ftV modification. Denied.

STATE OF MARYLAND

* IN THE CIRCUIT COURT

v.

* **FOR BALTIMORE COUNTY**

KENNETH BOYD OWENS

* Case No. 86 CR 2657

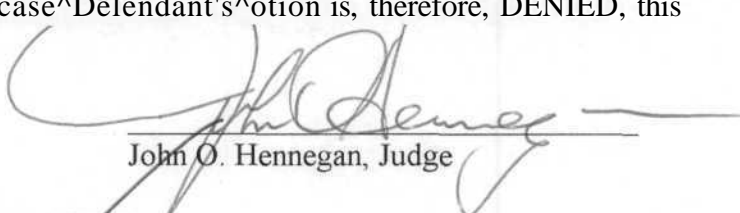
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Clerk of the Court:

1. File this ruling.
2. Copies have been mailed to counsel and/or parties of record.

RULING

The Court has considered Defendant's Request for Reduction and/or Modification of Sentence Motion Be Reinstated which was filed May 21, 1999. Under Maryland Rule 4-345, this court no longer has revisory power in this case. Defendant's motion is, therefore, DENIED, this 15 day of June, 1999.


John O. Hennegan, Judge

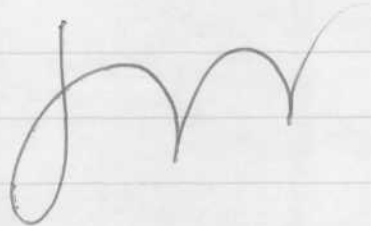
cc: Mr. Kenneth B. Owens, ID # 183-144, WCI
Office of the State's Attorney


RECEIVED DEPT. JUN 7 1999

Kenneth Owens* I83-IHM
Western Corr. XnsY.
P.O. Box 5560
Cresaptown, Maryland. 21505

In The
Circuit Court
For
Baltimore County
Case NO. 86 CR 2657

Hon. Judge William Buchanan, Sr.
Circuit Court Baltimore County
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland. 21204-0754



DT: May 19, 1999

Request For Reduction and/or Modification
of Sentence Motion be reinstated

Hon. Judge William Buchanan:

Sir, this not a petition or motion. This is a written request to ask you to please reinstate my Petition For Reduction and/or Modification of Sentence.

I feel that I have made significant progress and I'm requesting that you would re-examine my sentence. I feel my progress has warrant a substantial sentence reduction / modification.

X. would like to ask you to please consider reinstating my Petition For Reduction and/or Modification of Sentence, for the following reasons:

CRIMINAL DEPT. MAY 21 1999

1. My Court appointed attorney filed a One (1) line motion for Modification and/or reduction of Sentence just Ten (10) days after I was sentenced, counselor didn't have anything to go on or what to do. F.W. August 3, 1986.

2. **As of** this writing sit, X V-iaue. served 12 years, 5 months day for day on the 20 year sentence. X. Viave *1 year, 5 months earned good time days.

3. I'm 37 years of age now. I've had lower back surgery. in /XptU VW&. tAvj back i3 aii.ll mess up. fAu right le.o VitIS been affecteA b\j iV- I can't run or jump or play any type of sports. X. can \Jisa\K, but with o. limp.

M, Kyi release date now reacts 09-2001. llVr. uoanVma, Vo QQ -Vc the state of Florida. All m\j fami**W** lives there. I have no fdm»)y in Maryland. I haven't seen ami, of my fami**N** members in over 13 years. I do talk with them on the phone and via letters.

5. ^\j real mother Was Vrad brain surgery now ie.no ago and we don't know how much longer she has to live. She is livin_a at home.

(o> Since rwi '-nearceration sir, X haue tarr,e«i my High School Diploma. I went to college for one c1> year. I have completed the Junction on Brid_{ae}, inc, program in drug treatment, decision makin_n.

7. TVte ^avvj^anci Parole Board, has refused noe par&lev"pu« \o m\j charge. But sir, my charge is something that I can't change. I'm v^r\j S&rvj -fee uitaa\ happened between my wife and X-. An

8. Her father is in the Maryland system. He's serving 27 1/2 years. We have had some problems. In fact, he's in this inst. But he's on P.C., for whatever reasons.

Sir, I have realised I have learned my lesson. I know in my heart that I can't go back out there and not break the law anymore.

I am asking for one more chance please?

If you would UK, 2-5 years off of my sentence it would be a big help.

Thank you, sir, for your attention in this matter. I appreciate anything that you could do for me. I await your reply.

Respectfully submitted,
Kenneth Owens

Clerk of CWt ! •

Could you please see that Hon. Judge William Buchanan receives this letter.

Or another judge that has the power over my case. That's if Hon. Judge William Buchanan is no longer a judge.

Thank you for your attention in this matter.

Respectfully submitted,
Kenneth Owens

32 cc > Hw Owen; #1' CO -14
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CASE NO.: 86CR2657
 C.C. NO.: E748411
 DIST NO.: 021357C4

STATE OF MARYLAND V. OWENS, KENNETH BOYD

CHARGES: COUNT 1 **ASSAULT** - W/INTENT
 COUNT 2 ASSAULT COMMON LAW
 COUNT 3 ASSAULT **W/INTENT** MAIM ETC
 COUNT 4 BATTERY COMMON LAW
COUNT 5 ASSAULT COMMON LAW
 COUNT 6 DEADLY WEAPON - CONCEAL

COSTS:

PROSECUTOR:

IKE DIXON

ATTORNEY:

MICHAEL MCCAMPBELL

APPEARANCE ENTERED:

MAY 20, 1986

DATE	PROCEEDING	JUDGE	ACTION
MAY 20, 1906	ARRAIGNMENT		APPEARANCE ENTERED
AUGUST 19, 1986	TRIAL	JUDGE WILLIAM BUCHANAN	TRIAL SENTENCE
SEPTEMBER 13, 1989	POST CONVICTION	HON. JAMES T. SMITH JR.	POSTPONED BY:
NOVEMBER 9, 1989	POST CONVICTION	HON. JAMES T. SMITH JR.	COMPLETED
JANUARY 19, 1994	POST CONVICTION	HON. CHRISTIAN M. KALL...	COMPLETED

HEARING DATE: MAY 12, 1986 **CASE TYPE:** INFORMATION

1. MAY 16, 1986 WRIT OF HABEAS CORPUS SERVED.
2. AUGUST 18, 1986 STATE'S ANSWER TO DEFENDANT'S MOTION FOR DISCOVERY AND INSPECTION.
3. AUGUST 29, 1986 DEFENDANT'S MOTION FOR MODIFICATION OR REDUCTION OF SENTENCE.
4. SEPT. 11, 1986 DEFENDANT'S MOTION FOR MODIFICATION OF SENTENCE DENIED.
5. JUNE 15, 1989 DEFENDANT'S PETITION FOR POST CONVICTION RELIEF.
6. JULY 7, 1989 STATE'S ANSWER TO PETITION FOR POST CONVICTION RELIEF.
7. SEPT. 13, 1989 POST CONVICTION POSTPONED. DEFENDANT REMANDED DOC.

CASE NO.: 86CR2657 STATE OF MARYLAND V, OWENS, KENNETH BOYD

8. OCT. 16, 1989 CORRESPONDENCE FROM
DEFENDANT IN RE: POST CONVICTION
HEARING DATE,
9. NOV. 9, 1989 HEARING HAD IN RE: POST CONVICTION
RELIEF PETITION. END OF PETITIONERS CASE, STATE'S
MOTION TO DISMISS: DENIED. PETITION FOR POST
CONVICTION RELIEF: DENIED. OPINION AND ORDER TO
10. BE FILED, DEFENDANT REMANDED TO THE DOC.
11. NOV. 20, 1989 DEFENDANT'S APPLICATION FOR LEAVE
TO APPEAL... (SEE DOCKET 4, FOLIO 216)
12. NOVEMBER 29, 1989 OPINION FROM JUDGE SMITH THAT
THE DEFENDANT'S PETITION FOR POST CONVICTION
RELIEF IS DENIED.
13. DEC. 4, 1989 ORIGINAL PAPERS SENT TO THE
COURT OF SPECIAL APPEALS OF MARYLAND.
14. JUNE 15, 1990 MANDATE FROM THE COURT OF SPECIAL
APPEALS RECEIVED AND FILED.
JUNE 12, 1990: PER OURIAM. APPLICATION FOR
LEAVE TO APPEAL DENIED.
15. JUNE 15, 1990 CASE REVIEWED, NO ACTION.
16. SEPT. 1, 1992 DEFENDANT'S MOTION FOR
MODIFICATION OR REDUCTION OF SENTENCE.
17. SEPT 9, 1992 STATE'S ANSWER TO DEFENDANT'S
MOTION FOR MODIFICATION OF SENTENCE.
18. SEPT. 10, 1992 STATE'S ANSWER TO DEFENDANT'S
MOTION FOR MODIFICATION OF SENTENCE.
19. OCT. 16, 1992 DEFENDANT'S MOTION FOR
MODIFICATION OR REDUCTION OF SENTENCE IS
DENIED. (JOH)
20. SEPT. 20, 1993 DEFENDANT'S PETITION FOR POST
CONVICTION RELIEF.
21. SEPT. 22, 1993 AMENDED COMMIT SENT REFLECTING
THE NUMBER OF DAYS CREDITED.
22. SEPT. 23, 1993 NOTICE OF POST CONVICTION
REC'D BY THE COURT. (BKH)
23. SEPTEMBER 24, 1993 CORRESPONDENCE FROM THE
PUBLIC DEFENDER'S OFFICE STATING THAT THEY